Jon Niermann, *Chairman* Bobby Janecka, *Commissioner* Catarina Gonzales, *Commissioner* Kelly Keel, *Executive Director* 



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 5, 2024

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. 2024-1226-DIS; Circle S West Municipal Utility District; Request filed regarding Internal Control No. D-10062023-008.

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 September 25, 2024, agenda on hearing requests for the creation of Circle S West Municipal Utility District:

- 1. Technical memo prepared by staff;
- 2. Metes and bounds description;
- 3. Temporary Directors' Affidavits; and
- 4. Notice of District Petition.

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

Respectfully submitted,

Kelin Doil

Allie Soileau, Staff Attorney Environmental Law Division

# **Texas Commission on Environmental Quality**

# TECHNICAL MEMORANDUM

Λ

То:	Justin P. Taack, Manager Districts Section 6/28/2024	Date:	June 28, 2024
Through:	Daniel Finnegan, Team Lead Districts Bond Team		
From:	Pirainder Lall Districts Bond Team		
Subject:	Petition by Circle S Midlothian, LLC for Creation of Ci District of Ellis County; Pursuant to Texas Water Cod TCEQ Internal Control No. D-10062023-008 (TC)		

CN: 606189207 RN: 111823233

#### A. <u>GENERAL INFORMATION</u>

The Texas Commission on Environmental Quality (TCEQ) received a petition within the application requesting approval for the creation of Circle S West Municipal Utility District of Ellis County (District). The petition was signed by Rick Miskimon as the Managing Member of Circle S Midlothian, LLC, a Texas limited liability company (Petitioner). The petition states that: (1) the Petitioner is the owner of the majority in value of the land to be included in the proposed District; (2) there is one lienholder, AgTexas Farm Credit Service, on the property to be included in the proposed District; and the aforementioned entity has consented to the creation of the District; and (3) the proposed District will contain approximately 584.0 acres of land located wholly within Ellis County, Texas.

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 approximately 6.5 miles southwest of the City of Midlothian (City) central business district, south of FM Road 875, east of FM Road 157, and north of Murr Road in Ellis County (County). The proposed District is located entirely within the externitorial jurisdiction of the City. Access to the District will be from FM Road 875 and FM Road 157.

#### Metes and Bounds Description

The proposed District contains one tract of land, consisting of approximately 584.0 acres. The metes and bounds legal description has been checked by the 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, a petition was submitted to the City, requesting the City's consent to the creation of the proposed District. After more than 90 days passed without receiving consent, the Petitioner submitted a petition

was submitted to the City to provide water or sewer services to the proposed District. The 120day 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 Petitioners to initiate proceedings for creation of the District and inclusion of the land within the district.

#### **County Notification**

In accordance with TWC Section 54.0161, as amended in 2013, a certified letter, dated February 8, 2024, was sent to the Commissioners Court of Ellis County, which provided notice of the proposed District's pending creation application and provided an opportunity for the Commissioners Court of Ellis County to make a recommendation. To date, the county has not responded to this notification.

#### **Statements of Filing Petition**

Evidence of filing the petition with the City Secretary's office, Ellis County Clerk's Office, TCEQ's Dallas/Fort Worth Regional office, the Texas state representative, and the Texas state senator has been provided.

#### 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**

Rick Miskimon will be the developer of the land within the proposed District. Information provided supports that Mr. Miskimon has considerable experience in development in the Dallas/Fort Worth area.

#### Certificate of Ownership

By affidavit dated June 27, 2023, the Ellis Appraisal District has certified that its tax rolls indicate that the Petitioner is the owner of the majority of the value of the land and property in the proposed District.

#### **Temporary Director Affidavits**

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

Brayden DeBorde	Katie May	Zachary Willeford
Richard Howard	Kristin Dunn	

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 citizen 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, 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 March 2, 2024, and March 9, 2024, in *Waxahachie Daily Light*, a newspaper regularly published or circulated in Ellis County, the county in which the proposed District is to be located. Proper notice of the application was posted on February 20, 2024, on the bulletin boards used for posting legal notices in the Ellis County Courthouse. 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 on April 8, 2024.

### B. ENGINEERING ANALYSIS

The creation engineering report indicates the following:

#### Availability of Comparable Service

The engineering report indicates the proposed District is located within the CCN of Mountain Peak Special Utility District (MPSUD). The proposed District is not located within the CCN of any wastewater treatment providers. No other comparable water or wastewater services are available in the area.

#### Water Supply

The engineering report states that the proposed District will receive retail water service from to MPSUD to serve its ultimate development. The engineering report states that these facilities are anticipated to serve 2,700 equivalent single-family connections (ESFCs) within the proposed District.

#### Water Distribution Improvements

The proposed District will construct an offsite waterline to connect to an existing line in FM 157. The proposed District will include a looped distribution system consisting of 8-inch to 12-inch water lines. All water supply and distribution system improvements to serve the proposed District will be designed in accordance with criteria established by the TCEQ and Ellis County.

#### Wastewater Treatment Improvements

Wastewater treatment for the District will be provided by an onsite, 0.81 million gallon per day wastewater treatment plant. All wastewater treatment system improvements to serve the proposed District will be designed in accordance with criteria established by the TCEQ and Ellis County.

#### Wastewater Collection

The proposed District will provide wastewater collection to its residents via a combination of gravity and force main systems, lift station, manholes and other internal sewer lines within the District. The collection system will be designed to meet TCEQ design criteria.

#### Storm Water Drainage

Storm water runoff within the proposed District will be collected in curbed streets into flumes or inlets which will convey the flows overland or via underground culverts, respectively. Storm water from the proposed storm sewer system will typically outfall into detention ponds prior to discharging into the tributaries of Boggy Branch and Spring Branch, and ultimately to Cottonwood Creek. The design of the storm sewer system will be based on requirements of Ellis County and the TCEQ.

#### Road Improvement

Application material indicates the proposed District will fund roadway improvements within its boundary and off-site. The District proposes to construct main entrances, collector roads, and internal collector roads to provide access to planned development. The roads will be designed in accordance with Ellis County standards.

#### Topography/ Floodplain / Elevation

The existing elevations throughout the tract range from range from approximately 650 feet above mean sea level (msl) in the northeastern portion to approximately 600 feet above msl in the eastern and western portions. Most of the site currently drains in a southerly direction collecting in tributaries of Cottonwood Creek.

Approximately 30.98 acres of the District will remain within the within the 100-year floodplain as shown on the Federal Emergency Management Agency Flood Insurance Rate Map No. 48139C0150F, effective June 3, 2013. No lots will be constructed in the floodplain.

The proposed District will construct underground utility and storm water systems and detention ponds having minimal effect on land elevations within the region.

### Dam Safety Analysis

The TCEQ Dam Safety Program personnel reviewed the location of the District and noted by letter dated February 21, 2023, that there is an existing dam located upstream of the District. As development begins, the dam may need to be analyzed for classification and potential improvements if required. No homes will be built within the inundation areas downstream of the dam.

#### Impact on Natural Resources

The creation of the proposed District is expected to have no unreasonable effects on land elevation, subsidence, groundwater levels, recharge capability of ground water source, natural run-off rates and drainage, or groundwater or surface water quality.

# C. SUMMARY OF COSTS

#### WATER, WASTEWATER, AND DRAINAGE

A Developer Contribution Itoms	District's <u>Share</u>
A. Developer Contribution Items	
1. Water	\$ 13,099,002
2. Wastewater	7,495,891
3. Drainage and Detention	16,574,493
4. Erosion Control and Earthwork	2,097,095
5. Contingencies (Item Nos. 1 – 4)	3,926,648
6. Engineering (Item Nos. 1 – 4)	3,926,648
Total Developer Contribution Items	\$ 47,119,777
B. District Items	
1. Offsite Water Improvements	\$ 146,057
2. Wastewater Trunkline	1,079,510
3. Wastewater Treatment Plant and Lift Station	6,382,470
4. Land Acquisition	450,000
5. Contingencies (Item Nos. 1 – 3)	760,804
6. Engineering (Item Nos. 1 – 3)	760,804
Total District Items	\$ 9,579,645
NONCONSTRUCTION COSTS	
	\$ 1,860,000
A. Legal Fees	\$ 1,860,000 1,488,000
A. Legal Fees B. Fiscal Agent Fees	
A. Legal Fees B. Fiscal Agent Fees	
A. Legal Fees B. Fiscal Agent Fees C. Interest	1,488,000
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> </ul>	1,488,000 5,952,000
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> <li>D. Bond Discount (3%)</li> </ul>	1,488,000 5,952,000 4,535,954
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> <li>D. Bond Discount (3%)</li> <li>E. Creation Costs</li> </ul>	1,488,000 5,952,000 4,535,954 2,232,000
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> <li>D. Bond Discount (3%)</li> <li>E. Creation Costs</li> <li>F. Bond Issuance Expenses</li> </ul>	1,488,000 5,952,000 4,535,954 2,232,000 125,000
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> <li>D. Bond Discount (3%)</li> <li>E. Creation Costs</li> <li>F. Bond Issuance Expenses</li> <li>G. Bond Application Report Costs</li> </ul>	1,488,000 5,952,000 4,535,954 2,232,000 125,000 447,224
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> <li>D. Bond Discount (3%)</li> <li>E. Creation Costs</li> </ul>	1,488,000 5,952,000 4,535,954 2,232,000 125,000 447,224 550,000
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> <li>D. Bond Discount (3%)</li> <li>E. Creation Costs</li> <li>F. Bond Issuance Expenses</li> <li>G. Bond Application Report Costs</li> <li>H. Operating Expenses</li> <li>I. Attorney General Fee (0.10%)</li> </ul>	1,488,000 $5,952,000$ $4,535,954$ $2,232,000$ $125,000$ $447,224$ $550,000$ $250,000$
<ul> <li>A. Legal Fees</li> <li>B. Fiscal Agent Fees</li> <li>C. Interest <ol> <li>Capitalized Interest (24 months at 4%)</li> <li>Developer Interest</li> </ol> </li> <li>D. Bond Discount (3%)</li> <li>E. Creation Costs</li> <li>F. Bond Issuance Expenses</li> <li>G. Bond Application Report Costs</li> <li>H. Operating Expenses</li> <li>I. Attorney General Fee (0.10%)</li> </ul>	1,488,000 5,952,000 4,535,954 2,232,000 125,000 447,224 550,000 250,000 74,400

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

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

### <u>ROADS</u>

<u>JAD3</u>	District's (1)
CONSTRUCTION COSTS	<u>Share</u>
A. Roads	\$ 17,720,533
B. Contingencies	1,772,053
C. Engineering	550,000
D. Land Acquisition for ROW	1,772,053
TOTAL CONSTRUCTION COSTS (76.81% of Bond Issue Requirement)	\$ 21,814,639
NONCONSTRUCTION COSTS	
A. Legal Fees	\$ 710,000
B. Fiscal Agent Fees	568,000
C. Interest	
1. Capitalized Interest (24 months at 4%)	2,272,000
2. Developer Interest	1,745,171
D. Bond Discount (3%)	852,000
E. Bond Application Report Costs	200,000
F. Bond Issuance Expenses	209,790
G. Attorney General Fee (0.10%)	28,400
TOTAL NONCONSTRUCTION COSTS	\$ 6,585,361
TOTAL BOND ISSUE REQUIREMENT	\$ 28,400,000
TOTAL BOND ISSUE REQUIREMENT (W, WW, D and Roads)	\$ 102,800,000

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

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

### D. ECONOMIC ANALYSIS

#### Land Use

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

<u>Development</u>	<u>Acres</u>	<u>ESFCs</u>
Single-family Residential	390.64	2,700
Floodplain	30.98	0
Open Space/Detention/Easements	41.88	0
Right of Way	120.13	0
WWTP/Lift Station	<u>0.37</u>	<u>0</u>
Totals	584.0	2,700

#### Market Study

A market study, prepared by RSI Residential Strategies, dated April 2023 has been submitted in support of the creation of the proposed District. The market study indicates that the proposed District is located in an area of undeveloped land and residential development. The study indicates single-family homes within the study's subject community will be on 50-foot lots and priced between \$315,000 and \$375,000. The market study forecasts an average absorption of 160 sales/year over the first five years and continuing at 208 sales per year until build-out.

#### Project Financing

The estimated total assessed valuation (AV) of the proposed District at completion is as follows:

<u>Development Type</u>	<u>No. of Units</u>	<u>Average Unit Value</u>	<u>Total Value at Build Out</u>
50' Residential Lot	2,700	\$345,000	\$931,500,000
TOTAL AV			\$931,500,000

Considering an estimated bond issue requirement of \$102,800,000 (\$74,400,000 utilities and \$28,400,000 roads), 100% District financing, a bond coupon rate of 4%, and a 28-year bond life, the average annual debt service requirement would be approximately \$6,169,333 (\$4,464,965 for utilities and \$1,704,368 for roads). Assuming a 98% collection rate, and an ultimate AV of \$931,500,000, a tax rate of approximately \$0.68 (\$0.49 for utilities and \$0.19 for roads) per \$100 AV would be necessary to meet the annual debt service requirement. The District also anticipates levying a maintenance tax of \$0.05 per \$100 AV, for a combined proposed District tax rate of \$0.73.

The total year 2022 overlapping tax rates on land within the proposed District are shown in the following tables:

Taxing Jurisdiction	<u>Tax Rates</u>
Proposed District Debt Service	\$ 0.725800
Ellis County	0.273001
Midlothian ISD	1.294600
Ellis County FM Lateral Road	0.022866
Ellis County ESD #2	<u>0.099500</u>
Total tax per \$100 AV	\$ 2.415767

Based on the proposed District tax rate and the year 2022 overlapping tax rate on land within the proposed District, the project is considered economically feasible.

#### Water and Wastewater Rates

According to information provided, the estimated monthly fee for 10,000 gallons of water and wastewater service would be \$126.59 (\$65.84 for water and \$60.75 for wastewater) for residential customers.

#### Comparative Water District Tax Rates

A combined projected tax rate of \$0.73 per \$100 AV for the proposed District is considered reasonable and acceptable for this type of development, according to the Preliminary Engineering Report. Based on the requirements of 30 TAC Section 293.59, this project is considered economically feasible.

#### E. SPECIAL CONSIDERATION

#### **Request for Road Powers**

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

### F. CONCLUSIONS

- 1. Based on TCEQ policy, compliance with TCEQ rules, and review of the engineering report and supporting documents, the proposed District is considered feasible, practicable, would be a benefit to the land within the proposed District, and would be necessary as a means to finance utilities and to provide utility service to future customers.
- 2. Based on a review of the preliminary engineering report; market study; the proposed District's water, wastewater, drainage and road facilities; a combined projected tax rate of \$0.73 per \$100 AV; the proposed District obtaining a 4.0% bond coupon rate; and other supporting data, the proposed District is considered feasible under the feasibility limits prescribed by 30 TAC Section 293.59.
- 3. The recommendations are made under authority delegated by the Executive Director of the TCEQ.

#### G. <u>RECOMMENDATIONS</u>

- 1. Grant the petition for creation of Circle S West Municipal Utility District of Ellis County.
- 2. Grant the District's request to acquire road powers in accordance with TWC Section 54.234 and 30 TAC Sections 293.11(d)(11), 293.201, and 293.202, subject to the requirements imposed by the TCEQ and the general laws of the State of Texas relating to the exercise of such powers.
- 3. The Order granting the petition should include the following 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 to serve as temporary directors until permanent directors are elected and qualified:

Brayden DeBorde	Katie May	Zachary Willeford
Richard Howard	Kristin Dunn	

# H. ADDITIONAL INFORMATION

The petitioner's professional representatives are:

Attorney:	Mr. Ross Martin – Winstead, PC
Engineer:	Mr. Ken Heroy, P.E. – Jones-Heroy & Associates, Inc.
Market Analyst:	Ms. Cassie Gibson - Residential Strategies, Inc.

#### 584.0 Acres (25,437,013 Square Feet)

Bucknam Canfield Survey, Abstract Number 196

M. B. Atkinson Survey, Abstract Number 21

Leeman Kelsey Survey, Abstract Number 594

Ellis County, Texas.

**BEING** a 584.0 Acres (25,437,013 Sq. Ft.) area of land situated in the Bucknam Canfield Survey, A-196, M. B. Atkinson Survey, A-21, Leeman Kelsey Survey, A-594, Ellis County, Texas; being a portion of that called 1,555 Acres tract conveyed to Circle S Midlothian LLC of record in Document Number 20220516, Deed Records, Ellis County, Texas, (D.R.E.C.T.) and more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron pipe found in the east right-of-way (R.O.W.) line of F.M. Highway 157 (variable width) marking the southwest corner of that called 213.02 Acres tract conveyed to Helen Howle, as Trustee of the Alice Michero Howle Revocable Trust of record in Vol. 2818, Pg. 2041, D.R.E.C.T., from which a TX-DOT wood post monument found bears North 30°16'09" West, 481.31 feet; and being the west corner of the herein described area;

**THENCE**, with the south and east boundary line of said 213.02 Acres tract the following FOUR (4) courses:

- 1. North 58°57'05" East, 1,551.23 feet;
- 2. North 00°33'26" West, 3,051.59 feet;
- 3. North 89°20'13" East, 473.90 feet;
- 4. North 02°10'17" East, 73.61 feet;

THENCE, with the south R.O.W. line of said F.M. HWY 875 the following EIGHT (8) courses:

- 1. North 89°20'13" East, 40.10 feet;
- 2. North 89°28'02" East, 2,167.42 feet;
- 3. South 82°00'07" East, 101.12 feet;
- 4. North 89°28'02" East, 196.00 feet;
- 5. North 89°05'02" East, 104.10 feet;
- 6. North 80°33'11" East, 101.12 feet;
- 7. North 89°15'52" East, 436.00 feet to a curve to the left;

**8.** 16.12 feet with the arc of said curve to the left having a radius of 11,508.34 feet, a central angle of 00°04'49" and a chord that bears North 89°13'28" East, 16.12 feet marking the end of said curve;

**THENCE,** crossing said 1,555 Acres tract conveyed to Circle S Midlothian LLC by deed of record in 20220516, D.R.E.C.T., the following THIRTEEN (13) courses:

1. South 24°30'04" West, 1,091.04 feet marking the beginning of a curve to the left;

**2.** 547.22 feet with the arc of said curve to the left having a radius of 1,800.00 feet, a central angle of 17°25'07" and a chord that bears South 15°47'30" West, 545.12 feet marking the end of said curve;

3. South 07°04'57" West, 715.78 feet;

4. South 07°35'05" East, 115.00 feet;

5. South 08°24'33" West, 573.50 feet;

6. South 49°22'08" West, 146.72 feet;

7. South 07°04'57" West, 192.21 feet;

8. South 28°40'40" West, 67.78 feet;

9. South 27°59'33" West, 501.90 feet;

10. South 03°08'06" West, 1,276.38 feet;

11. South 22°43'37" East, 712.73 feet;

12. South 31°15'37" East, 1,119.28 feet;

**13.** South 07°12'24" West, 1,630.65 feet marking a corner in the north R.O.W. line of Murr Road (variable width) and being the southeast corner of the herein described area;

**THENCE,** with the north R.O.W. line of said Murr Road the following THREE (3) courses:

1. South 58°52'41" West, 71.60 feet;

2. South 59°05'20" West, 1,105.30' feet;

3. South 58°41'40" West, 296.64 feet and marking the beginning of a curve to the right;

**THENCE,** 177.30 feet with the arc of said curve to the right having a radius of 103,877.85 feet, a central angle of 00°05'52" and a chord that bears North 89°58;30" West, 177.30 feet to the east R.O.W. line of Highway 157 (variable width) marking the beginning of a curve to the right and being the southwest corner of the herein described area;

**THENCE,** with the east R.O.W. line of said F.M. Highway 157 the following SIX (6) courses:

**1.** 143.87 feet with the arc of said curve to the right having a radius of 1,119.19 feet, a central angle of 07°21'56" and a chord that bears North 32°27'35" West, 143.78 feet;

2. North 30°26'53" West, 4,583.83 feet marking the beginning of a curve to the right;

**3.** 268.48 feet with the arc of said curve to the right having a radius of 6,037.17 feet, a central angle of 02°32'53" and a chord that bears North 29°10'26" West, 268.46 feet marking the end of said curve;

4. North 27°53'42" West, 282.51 feet marking the beginning of a curve to the left;

**5.** 238.46 feet with the arc of said curve to the left having a radius of 5,754.72 feet, a central angle of 02°22'27" and a chord that bears North 29°04'55" West, 238.44 feet marking the end of said curve;

**6.** North 30°16'09" West, 271.80 feet to the **POINT OF BEGINNING** and **CONTAINING** 584.0 Acres (25,437,013 Sq. Ft.) of land.

# AFFIDAVIT OF TEMPORARY DIRECTOR

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THE STATE OF TEXAS

# COUNTY OF ELLIS

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Zachary Willeford, who expressed a desire to be appointed a Director of the Circle S West Municipal Utility District (hereinafter the "District") and who on oath did state:

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

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

3. I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District, or to any of the other temporary 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 the 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 limited 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 will be 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 will be 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 or school district or political subdivision of this State.

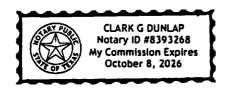
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly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

Zachary Willeford

SWORN TO AND SUBSCRIBED BEFORE ME this 18 day of  $May_{2023}$ .

Notary Public in and for The State of Texas

(NOTARY SEAL)



### AFFIDAVIT OF TEMPORARY DIRECTOR

§ § §

### THE STATE OF TEXAS

#### COUNTY OF ELLIS

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Brayden DeBorde, who expressed a desire to be appointed a Director of the Circle S West Municipal Utility District (hereinafter the "District") and who on oath did state:

1. I am at least eighteen (18) years of age, a resident of the State of Texas, and own land subject to taxation within the District. I am a resident of Ellis County, being 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 temporary 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 the 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 limited solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a Director).

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

I am generally familiar with the responsibilities of a Director of a municipal utility 9. 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 will be 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.

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

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

13. I hereby affirm that, if appointed, 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.

Brayden DeBorde

SWORN TO AND SUBSCRIBED BEFORE ME this (// day of May, 2023.



(NOTARY SEAL)

Notary Public in and for The State of Texas

# AFFIDAVIT OF TEMPORARY DIRECTOR

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THE STATE OF TEXAS

# COUNTY OF ELLIS

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Katie May, who expressed a desire to be appointed a Director of the Circle S West Municipal Utility District (hereinafter the "District") and who on oath did state:

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

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

3. I am not, to the best of my knowledge, related within the third degree of affinity (marriage) or consanguinity (blood) to a developer of property within the District, or to any of the other temporary 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 the 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 limited 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 will be 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 will be subject to the continuing supervision of the Texas Commission on Environmental Quality and I will fully cooperate with said Commission.

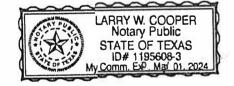
12. I am not presently an officer, director or official of the State of Texas or any other district, city, county or school district or political subdivision of this State.

13. I hereby affirm that, if appointed, 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.

SWORN TO AND SUBSCRIBED BEFORE ME this 10 Hay of Mon\_, 2023.

Notary Public in and for The State of Texas

(NOTARY SEAL)



#### AFFIDAVIT OF TEMPORARY DIRECTOR

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THE STATE OF TEXAS

#### COUNTY OF ELLIS

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Richard Howard, who expressed a desire to be appointed a Director of the Circle S West Municipal Utility District (hereinafter the "District") and who on oath did state:

1. I am at least eighteen (18) years of age, a resident of the State of Texas, and own land subject to taxation within the District. I am a resident of Ellis County, being 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 temporary 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 the 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 limited solely to the purpose of purchasing or conveying real property in the District for the purpose of qualifying as a Director).

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

I am generally familiar with the responsibilities of a Director of a municipal utility 9. 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 will be 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.

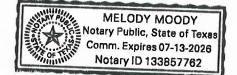
I am aware that the District will be subject to the continuing supervision of the 11. Texas Commission on Environmental Quality and I will fully cooperate with said Commission.

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

I hereby affirm that, if appointed, I will faithfully execute the duties of the office of 13. 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.

ichard Howard

SWORN TO AND SUBSCRIBED BEFORE ME this <u>30</u> day of June, 2023.



Notary Public in and for The State of Texas

(NOTARY SEAL)

# AFFIDAVIT OF TEMPORARY DIRECTOR

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THE STATE OF TEXAS

# COUNTY OF ELLIS

BEFORE ME, the undersigned duly constituted authority of the State and County aforesaid, on this day personally appeared Kristin Dunn, who expressed a desire to be appointed a Director of the Circle S West Municipal Utility District (hereinafter the "District") and who on oath did state:

1. I am at least eighteen (18) years of age, a resident of the State of Texas, and own land subject to taxation within the District. I am a resident of Kaufman County, being the adjacent county 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 temporary 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 the 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 limited 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 will be 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 will be 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 or school district or political subdivision of this State.

13. I hereby affirm that, if appointed, 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.

SWORN TO AND SUBSCRIBED BEFORE ME this 24 day of August, 2023.



(NOTARY SEAL)

Notary Public in and for

The State of Texas

# Texas Commission on Environmental Quality INTEROFFICE MEMORANDUM

То:	Notice Team Leader Office of the Chief Clerk	Date: February 8, 2024
From:	Pirainder Lall Districts Bond Review Team	
Subject:	Petition for Creation of Circle S West Municipa TCEQ Internal Control No. D-10062023-008 CN: 606189207 RN: 111823233	l Utility District of Ellis County

The above referenced application was declared administratively complete on October 6, 2023. Pursuant to Title 30 Texas Administrative Code Section 293.12, please send a copy of the appropriate notice to the applicant indicating that an application has been received and notifying interested persons of the procedures for requesting a public hearing. Please advise the applicant to carefully review the notice for accuracy before publishing and to contact our office if any errors are found.

The applicant is requesting approval to create Circle S West Municipal Utility District of Ellis County under Article XVI, Section 59 of the Constitution of the State of Texas and Chapters 49 and 54 of the Texas Water Code. The proposed District shall consist of approximately 584.0 acres of land described by metes and bounds in Exhibit "A", and is depicted in the vicinity map designated as Exhibit "B".

Attachments: Notice Map (Exhibit "A") Mailing List Petition for Creation

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



#### NOTICE OF DISTRICT PETITION TCEQ Internal Control No. D-10062023-008

**PETITION.** Circle S Midlothian, LLC, a Texas limited liability company, (Petitioner) filed a petition for the creation of Circle S West Municipal Utility District of Ellis County (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 is one lienholder, AgTexas Farm Credit Services, on the property to be included in the proposed District and the aforementioned entity has consented to the creation of the District; (3) the proposed District will contain approximately 584.0 acres of land, more or less, located within Ellis County, Texas; and (4) all of the land to be included within the proposed District is within the extraterritorial jurisdiction of the City of Midlothian (City) and is not located within the corporate limits of any city or town.

The territory to be included in the proposed District is depicted in the vicinity map designated as Exhibit "A", attached to this document.

The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a sanitary sewer collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate such additional facilities, systems, plants, and enterprises as shall be consonant with the purposes for which the District is created. It further states that the planned residential and commercial development of the area and the present and future inhabitants of the area will be benefited by the above-referenced work, which will promote the purity and sanitary condition of the State's waters and the public health and welfare of the community

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner, from the information available at this time, that the cost of said project will be approximately \$102,800,000 (\$74,400,000 for water, wastewater, and drainage facilities and \$28,400,000 for road facilities).

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

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

To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner 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 <u>http://www.tceq.texas.gov/</u>.

Issued:

Laurie Gharis, Chief Clerk Texas Commission on Environmental Quality

# MAILING LIST

# Circle S West Municipal Utility District of Ellis County TCEQ Internal Control No. D-10062023-008

Mr. Ross Martin	Texas Commission on Environmental Quality
Winstead PC	P. O. Box 13087
500 Winstead Building	Austin, Texas 78711-3087
2728 N. Harwood Street	
Dallas, Texas 75201	Todd Galiga, Senior Attorney, Environmental
,	Law Division, MC-173
Mr. Ken Heroy, P.E.	
Jones-Heroy & Associates, Inc.	Allie Soileau, Attorney, Environmental Law
13915 N. Mopac Expressway, Suite 408	Division, MC-173
Austin, Texas 78728	
	Pirainder Lall, Technical Manager, Districts
Ms. Alyssa Taylor	Bond Review Team, MC-152
TCEQ Region 4	
2309 Gravel Dr	Daniel Finnegan. Team Lead, Districts Bond
Fort Worth, Texas 76118	Review Team, MC-152
The Henerable Drien Herrison	Michelle Verthe Date Infractoristing Considiat
The Honorable Brian Harrison	Michelle Voytko, Data Infrastructure Specialist, Water Supply Division, MC-155
State Representative, District 10 100 N College Street, Suite 306	water supply Division, MC-155
Waxahachie, Texas 75165	Garrett T. Arthur, Office of the Public Interest
Waxanacine, rexus 75105	Counsel, MC-103
The Honorable Brian Birdwell	
State Senator, District 22	
1315 Waters Edge Drive, Suite 116	
Granbury, Texas 76048	
The Honorable Krystal Valdez	
County Clerk, Ellis County	
109 S Jackson St.	
Second Floor / Ground Floor	
Waxahachie, Texas 75165	
Mr. Manta Manager Engentier, Director	
Mr. Monte Mercer, Executive Director	
North Central Texas Council of Governments Centerpoint II	
616 Six Flags Drive	
Arlington, Texas 76011	

### PETITION FOR THE CREATION OF CIRCLE S WEST MUNICIPAL UTILITY DISTRICT OF ELLIS COUNTY

THE STATE OF TEXAS	Ş
	§
COUNTY OF ELLIS	Ş

#### TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The undersigned petitioner, (herein the "<u>Petitioner</u>", 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 ("<u>TCEQ</u>") for the creation of a municipal utility district in Ellis County, Texas, pursuant to the provisions of Texas Local Government code Sec. 42.042 and Chapters 49 and 54 of the Texas Water Code, together with all amendments and additions thereto, and would respectfully show the following:

### I.

The Petitioner originally intended to create the Circle S Municipal Utility District of Ellis County as a singular district ("Original Proposed District"). The acreage for the Original Proposed District was approximately 1991.48 acres as described by metes and bounds in **Exhibit** <u>"B"</u>. As of the date of this petition, the Petitioner has determined to separate the Original Proposed District into four separate districts. The entire acreage of the Land was included as a portion of the Original Proposed District.

#### П.

The name of the proposed district shall be "Circle S West Municipal Utility District of Ellis County" (the "**District**"). There is no other conservation or reclamation district in Ellis County, Texas with the same name.

#### III.

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, Texas Constitution; Chapters 49 and 54, Texas Water Code, as amended; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law as amended, together with all amendments and additions thereto. The District shall contain an area of approximately 584 acres of land, situated wholly within Ellis County, Texas, described by metes and bounds in <u>Exhibit A</u>, 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 Midlothian, Texas. The described property is not located within the corporate limits of any city or town.

#### V.

On June 13, 2022, Petitioner served the Petition for Consent to Include Land in the Original Proposed District a portion of which encompasses the proposed District (the "Petition for Consent") onto the City Secretary for the City of Midlothian. A copy of the Petition for Consent is attached hereto as <u>Exhibit C</u>. The Petitioner has not received any response from the City related to the Petition for Consent.

#### VI.

On September 8, 2022, Petitioner posted the Notice of Petition of the Original Proposed District 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 <u>Exhibit D</u>.

On September 14, 2022 the Petitioner published Notice of Petition for the Original Proposed District to City of Midlothian, Texas for Water and Sanitary Sewer Service (the "Notice of Petition") in the Waxahachie Daily Light, a newspaper of general circulation within and around the District. The affidavit of publication of the Notice of Petition (the "Affidavit of Publication") and the Notice of Petition are attached hereto as Exhibit E.

#### VII.

On September 30, 2022, Petitioner petitioned the City to provide water and sanitary sewer services to the Original Proposed District in accordance with 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, nor have they engaged Petitioner in negotiations to do so, and now more than 120 days have passed since Petitioner submitted its Petition for Water and Sewer Service to the City. The City has not consented to the creation of the District and has failed to execute a contract for service to the Land within the time limits prescribed by Section 42.042, Texas Local Government Code.

#### VIII.

Petitioner is the record owner of the described land, as evidenced by the execution of this Petition. Petitioner represents that there is one lienholder, AgTexas Farm Credit Service.

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; and purposes and authority concurrently or subsequently acquired and approved for roadways by Chapter 54, Water Code or other applicable law.

# Х.

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 Ellis 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 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 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 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.

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, storm sewer and roadway system can be constructed at a reasonable cost, currently estimated at 102,800,000 (\$74,400,000 for water, wastewater and drainage and \$28,400,000 for roads), 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 facilities provider serving the area within the 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 Ellis County or a county in the same metropolitan statistical area as Ellis 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. Brayden DeBorde
- 2. Katie May
- 3. Zachary Willeford
- 4. Richard Howard
- 5. Kristin Dunn

WHEREFORE, the undersigned respectfully pray that this Petition be properly filed, as provided by law; 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 15th day of May, 2023

# **CIRCLE S MIDLOTHIAN, LLC**

a Texas limited liability company

By:

\$ \$ \$

ing Mer

Rick Miskimon, Managing Member Approx. acreage owned: 584 acres

STATE OF OKLAHOMA COUNTY OF ATOKA

Before me on this day personally appeared Rick Miskimon, Managing Member of Circle S Midlothian, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this  $15^{\text{th}}$  of May, 2023.



Notary Public, State of Oklahoma

Expires: 4/9/2024

# EXHIBIT "A" Legal Description

4878-7172-0787v.1

#### **Circle S West**

584.0 Acres (25,437,013 Square Feet) Bucknam Canfield Survey, Abstract Number 196 M. B. Atkinson Survey, Abstract Number 21 Leeman Kelsey Survey, Abstract Number 594 Ellis County, Texas.

BEING a 584.0 Acres (25,437,013 Sq. Ft.) area of land situated in the Bucknam Canfield Survey, A-196, M. B. Atkinson Survey, A-21, Leeman Kelsey Survey, A-594, Ellis County, Texas; being a portion of that called 1,555 Acres tract conveyed to Circle S Midlothian LLC of record in Document Number 20220516, Deed Records, Ellis County, Texas, (D.R.E.C.T.) and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron pipe found in the east right-of-way (R.O.W.) line of F.M. Highway 157 (variable width) marking the southwest corner of that called 213.02 Acres tract conveyed to Helen Howle, as Trustee of the Alice Michero Howle Revocable Trust of record in Vol. 2818, Pg. 2041, D.R.E.C.T., from which a TX-DOT wood post monument found bears North 30°16'09" West, 481.31 feet; and being the west corner of the herein described area;

THENCE, with the south and east boundary line of said 213.02 Acres tract the following FOUR (4) courses:

1. North 58°57'05" East, 1,551.23 feet;

2. North 00°33'26" West, 3,051.59 feet;

3. North 89°20'13" East, 473.90 feet;

4. North 02°10'17" East, 73.61 feet;

THENCE, with the south R.O.W. line of said F.M. HWY 875 the following EIGHT (8) courses:

1. North 89°20'13" East, 40.10 feet;

2. North 89°28'02" East, 2,167.42 feet;

3. South 82\*00'07" East, 101.12 feet;

4. North 89"28'02" East, 196.00 feet;

5. North 89°05'02" East, 104.10 feet;

6. North 80°33'11" East, 101.12 feet;

7. North 89°15'52" East, 436.00 feet to a curve to the left;

8. 16.12 feet with the arc of said curve to the left having a radius of 11,508.34 feet, a central angle of 00°04'49" and a chord that bears North 89°13'28" East, 16.12 feet marking the end of said curve;

THENCE, crossing said 1,555 Acres tract conveyed to Circle S Midlothian LLC by deed of record in 20220516, D.R.E.C.T., the following THIRTEEN (13) courses:

1. South 24°30'04" West, 1,091.04 feet marking the beginning of a curve to the left;

2. 547.22 feet with the arc of said curve to the left having a radius of 1,800.00 feet, a central angle of 17°25'07" and a chord that bears South 15°47'30" West, 545.12 feet marking the end of said curve;

3. South 07\*04'57" West, 715.78 feet;

4. South 07°35'05" East, 115.00 feet;

5. South 08°24'33" West, 573.50 feet;

6. South 49°22'08" West, 146.72 feet;

7. South 07°04'57" West, 192.21 feet;

8. South 28°40'40" West, 67.78 feet;

9. South 27°59'33" West, 501.90 feet;

10. South 03°08'06" West, 1,276.38 feet;

11. South 22°43'37" East, 712.73 feet;

12. South 31°15'37" East, 1,119.28 feet;

13. South 07°12'24" West, 1,630.65 feet marking a corner in the north R.O.W. line of Murr Road (variable width) and being the southeast corner of the herein described area;

THENCE, with the north R.O.W. line of said Murr Road the following THREE (3) courses:

1. South 58\*52'41\* West, 71.60 feet;

2. South 59°05'20" West, 1,105.30' feet;

3. South 58°41'40° West, 296.64 feet and marking the beginning of a curve to the right;

THENCE, 177.30 feet with the arc of said curve to the right having a radius of 103,877.85 feet, a central angle of 00°05'52" and a chord that bears North 89°58;30" West, 177.30 feet to the east R.O.W. line of Highway 157 (variable width) marking the beginning of a curve to the right and being the southwest corner of the herein described area;

THENCE, with the east R.O.W. line of said F.M. Highway 157 the following SIX (6) courses:

1. 143.87 feet with the arc of said curve to the right having a radius of 1,119.19 feet, a central angle of 07°21'56" and a chord that bears North 32°27'35" West, 143.78 feet;

2. North 30°26'53" West, 4,583.83 feet marking the beginning of a curve to the right;

3. 268.48 feet with the arc of said curve to the right having a radius of 6,037.17 feet, a central angle of 02°32'53" and a chord that bears North 29°10'26" West, 268.46 feet marking the end of said curve;

4. North 27°53'42" West, 282.51 feet marking the beginning of a curve to the left;

5. 238.46 feet with the arc of said curve to the left having a radius of 5,754.72 feet, a central angle of 02°22'27" and a chord that bears North 29°04'55" West, 238.44 feet marking the end of said curve;

6. North 30°16'09" West, 271.80 feet to the POINT OF BEGINNING and CONTAINING 584.0 Acres (25,437,013 Sq. Ft.) of land,

EXHIBIT "B" Legal Metes and Bounds for Original Proposed District

# Tract 1

1,555 Acres (67,746,507 Square Feet) Bucknam Carfield Survey, Abstract No		
M. B. Atkinson Survey, Abstract Numi	Der 21	
<ul> <li>E. Ballard Survey, Abstract Number 11 Jackson Smith Survey, Abstract Numb</li> </ul>		
Leeman Kelsey Survey, Abstract Numl Ellis County, Texas.	xer 594	
Survey, A-119, Jackson Omen Survey, A-9	i tract of land situated in the Bucknam Canfleid Survey. Ar196, 63. Leeman Keisey Survey, Ar584, Ells County, Texas; being a In Vol. 1542, Pg. 1073, Deed Records, Ells County, Texas, (D	a portion of that called 1 557.74 Acres mart
<ul> <li>that called 213.02 Acres tract conveyed to i</li> </ul>	n the east nghr-of-way (R.O.W.) line of F.M. Highway 157 (varia Helen Howle, as Trustee of the Alice Michero Howle Revocable ist monument found bears North 30° 16'09' West, 481,31 feet, a	Truct of record in Vol. 2818, Pp. 2041.
THENCE, with the south and east boundary	y line of said 213.02 Acres tract the following four (4) courses:	
1. North 58157051 East, 1,551,23 feet to a described tract;	1/2-Inch iron rod with cap stamped "APEX LAND SURVEYING"	set marking an interior corner of the herein
2. Norm 00*33'26" West, 3.061.59 feet to a herein described tract;	1/2-inch iron rod with cap stamped "APEX LAND SURVEYING	if set marking the northwest corner of the
3. North 89*20*13" East, 473.90 feet to a 14	2-mch ron pipe found marking an interior comer of the nerein d	escribed tract,
4. North 02"10"17" East, 73.61 feet to a 1/2 corner of the herein described tract;	-mich iron rola found in one south R.O.W. The of F.M. HWY 875 (	ivariable within) and manking a northwest
THENCE, with the south R.O.W. line of sak	5 F.M. HWY 875 the following nine (5) courses:	
	Inch iron rod with cap stampes "APEX LAND SURVEYING" se	I marking a comer-
	1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" SE	
	Critich inch rod with cap stamples "APEX LAND SURVEYING" :	-
	2-Inch from rod with cap stamped "APEX LAND SURVEYING" a	-
	2-Inch for rod with cap stamped "APEX LAND OURVEYING" 5	
	2-inch iton rod with cap stamped "APEX LAND SURVEYING" s	-
7 North 65*15'52" East, 436.00 feet to a 1/2 eff;	2-Inch iron rod with cap stamped "APEX LAND SURVEYING" s	et marking the beginning of a curve to the
8 174.08 feet with the arc of said curve to t 86"49'52" East, 174.06 feet to a 1/2-inch iro	he left having a radius of 11,508.34 feet, a central angle of 0016 in rod with cap stamped "APEX LAND SURVEYING" set markin	2700° and a chord that bears North Ig the end of said curve;
9. North 86"53"06" East, 563.98 feet to a 1/2 and wife, Karen Onider of record in Vol. 117	2-Inch iron rod found marking the northwest corner of that called 3. Pg. 122, D.R.E.C.T.;	s 1.478 Acres tract conveyed to Carl Snider
THENCE, with the west and the south lines	of said 1.478 Acres tract the following four (4) courses:	
1. Bouth 00"30"35" West, 188 15 feet to a 1/ 1.478 Acres tract;	O-Inch iron rod with cap starroed "APEX LAND GURVEYING" :	tet marking the southwest corner of said
2. South 87128'57" East, 56.56 feet to a 1/2	-Inch iron rod with cap stamped "APEX LAND OURVEYING" se	t marking a corner:
3. North 72"10"48" East, 366.60 feet to a 10	Hinch iron rod with cap stamped "APEX LAND SURVEYING" or	et manking a comer;
4. Norm 61*19'27* East, 166-63 feet to a 1/2 aforementioned P.M. 875 and marking the n	2-inch iron rod with cap stamped "APEX LAND SURVEYING" si ortheast comer of said 1.478 Acres tract;	et in the south R.O.W. line of the
	F.M. HWY 675 the following seven (7) courses:	
1. North 87*5725* East, 244 59 tects a 1/2	Hoch into rod with cap stamped "APEX LAND DURVEYING" to	et marking the beginning of a curve to the
<b>使</b> 我	he left having a radius of 11,503.46 feet, a central angle of 01*3	
86"4758" East, 311.18 feet to a 1/2-mch iron	n rod with cap stamped "APEX LAND SURVEYING" set markin	g the end of said curve;
	SURVEY OF	
APEX Land Surveying	1 SSS ACRES TRACT OF TANT	
TRPLS Firm Registratic No. 101941-30	* SITURIED IN BUCKBAN CANFIELD	
214 Wapati Drive Anle. TX. 16020	SURVEY, A-196, M. B. AININSON	P
(817) 565-6681	SURVEY, A-21, E. BALLARD SURVEY, A-119, JACKSON SMITH SURVEY,	PROJECT: 2021 002-Circle S.dwg
CCV SSIS LOULSE See D-S	A-963, LEEMAN KELSEY SURVEY,	0RAWN BY: 8C/80 DATE: 1/20/22 FIELD CREW C>/JN DATE: 1/20/22
PEX Labback TX 72414	A-594, ELLIS COUNTY, TEXAS	SCALE PAGE 2 OF 4
		I work I have a first of a first

3. North 69'25'31" East, 1,718-56 feet to a 1/2-inch non rod with cap stamped "APEX LAND OURVEYING" set marking a corner

4. South 82102'38" East, 101.12 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

5. North 65'25'31' East, 100.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner

6. North 80°5440° East, 101, 12 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a comer

7. North 691251311 East, 2,141.50 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the west R.O.W line of Norrel Road ivariable width) marking the hortheast corner of the herein described tract.

THENCE, South 00"18'21" East, 4.351.33 feet with the west R.O.W. line of said Norrel Road to a RK Nail set at the Intersection with the the cententitie of Murr Road (variable width) marking the southeast corner of the herein described tract

THENCE, South 82\*52103" West, 78.29 feet to a 1/2-inch iron risd with cap stamped "APEX LAND SURVEYING" set in the north R.O.W. ine of Murr Road marking the beginning of a curve to the left;

THENCE, with the north R.O.W. the of takit Must Road the following twelve (12) courses:

250.89 feet with the arc of said curve to the left having a radius of 422.30 feet, a central angle of 35\*23/47\* and a chord that bears South 50\*39/30\* West, 256.75 feet to a 1/2-inch iron rod with cao stamped "APEX LAND SURVEYING" set marking the end of said curve;

2. South 47\*26'18" West, 70 50 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the right; 3. 179.80 feet with the arc of said curve to the right having a radius of 763.87 feet, a central angle of 13\*25\*12" and a chord that bears South 53\*00'56"

West, 179.39 feet to a 1/2 inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve: 4. South 59"08"53" West, 881.45 feet to a 1/2-inch iron roo with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the left.

147.57 feet with the arc of said curve to the left having a radius of 2,510.33 feet, a central angle of 03\*14'21' and a chord that bears bouth 57\*3143\* West, 147.55 feet to a 1/24nch iron rod with cap stamped "APEX LAND DUR/EYING" set marking the beginning of a reverse curve;

6. 147.59 feet with the arc of said reverse curve having a radius of 2,249.32 feet, a central angle of 03'45'33' and a chord that bears Bouth 57'47'19' West, 147.55 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

7. South 59'40'05" West, 1,149-69 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a com

8. South 59\*44\*12" West, 2.434.57 feet to a 1/2-Inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

South 55\*16"11" West, 1,115.93 feet to a 1/2-Inch iron roo with cap stamped "APEX LAND SURVEYING" set marking a corner;

10. South 55\*52'41" West, 1,276.35 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a comer,

11 Sourn 59'05'23' West, 1,105.30 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner,

12. South 58"4143" West, 449.29 feet to a 1/2-mon iron rod with cap stamped "APEX LAND BURVEYING" set in the east R.O.W. Inte of the mentioned F.M. HWY 157 marking the southwest comer of the nerein described tract and the beginning of a curve to the right;

THENCE, with the east R.O.W. line of said F.M. HWY 157 the following six (6) courses:

136.34 feet with the art of said curve to the right having a radius of 1,838.48 feet, a central angle of 07\*21/56" and a chord that bears North 33\*54/55" West, 236 18 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

2. North 30126531 West, 4.583-83 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the natit:

3. 268.48 feet with the arc of said curve to the right having a radius of 6,037.17, a central angle of 02\*32\*53" and a chord that bears North 29\*10/26" West, 268.46 feet to a 1/2-mcn iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

4. North 2715342" West, 282.51 feet to a 1/2-inch iron rod with cap stamped "APEX LAND BURVEYING" set marking the beginning of a curve to the left.

. 238.46 feet with the arc of said curve to the left having a radius of 5,754.72, a central angle of 02122277 and a chord that bears North 26104/551 West 238.44 feet to a 1/2-mch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of sals curve;

5. North 30"16'05" West, 271 80 feet to the POINT OF BEGINNING and CONTAINING 1,555 Acres (67,746,507 Sq. FL) of Iand.

A plat of even date accompanies this meters and bounds description

Rodric R. Reese, Registered Professional Land Surveyor No. 5883, do hereby certify that the map shown hereon was prepared under my direct supervision from a survey made on the ground, and that such map is an accurate representation of the subject property.

OF ROORIC R. REESE 5883

PAGE: 3 OF 4

STALF.

Rodric R. Reese, R.P.L.S. No. 5885 1/21/2022 Cate

SURVEY OF APEX Land Surveying 1,555 ACRES TRACT OF LAND THPLS Firms Registration SITUATED IN BUCKNAM CANFIELD 214 Waguti Drive Asle, TX, 76020 SURVEY, A-196, M. B. AIRCINSON SURVEY, A-21, E. BALLARD SURVEY, PROJECT: 2021 002-Circle S.dwg (817) 565-6581 A-119, JACKSON SMITH SURVEY, A-963, LEEMAN MELSEY SURVEY, ORAWN BY: 80/80 DATE: 1/20/22 5515 50th St. Ste. D-8 Lubback, TX, 79414 APEX FIELD CREW CP/JM CATE: 1/20/22 A-594, ELLIS COUNTY, TEXAS

Tract 2

344.3 Acres (14,995,813 Square Feet) Alexander J. Rugely, Alexinot Number 924 Bucknam Carlled Survey, Abstract Number 196 Elio County, Texas.

BEDIG is 344.3 Acres (14,995,813.04, F1) fract of land soluted in the Alexander J. Rugary Survey, A-404, Suckmann Candinal Survey, A-109, Ella County, Texas, being a portion of that called 208 5050 Acres treat conveyed to Mergae Cattle, LLC of record in Vol. 1542, Pg. 1081, Daved Records, Edu (D.R.E.C.T. and a portion of that called 50.44 Acres treat conveyed to E. W.F. Bells of record in Vol. 7842, Pg. 1081, Daved Records, Edu (D.R.E.C.T. and a portion of that called 50.44 Acres treat conveyed to E. W.F. Bells of record in Vol. 7842, Pg. 1081, Daved Records, Edu (D.R.E.C.T. and a portion of that called 50.42 Acres treat conveyed to E. W.F. Bells of record in Vol. 7842, Pg. 1081, Daved Records, Edu (D.R.E.C.T. and a portion of that called 50.42 Acres treat conveyed to E. W.F. Bells of record in Vol. 7842, Pg. 1081, Daved Records, Edu (D.R.E.C.T. and a portion of that called 50.42 Acres treat and a total daved by the former that the section of that called 50.42 Acres treat acres to the former that the section of that called 50.42 Acres treat acres to the former that talked to the former to the talked 50.42 Acres treat acres to the former to the talked 50.42 Acres treat to the former to the talked 50.42 Acres treat acres to the former to the talked 50.42 Acres treat acres to the former to the talked 50.42 Acres treat to the former to the talked 50.42 Acres treat acres to the former to the talked 50.42 Acres treat acres to the former talked 50.42 Acres treat to the former to the talked 50.42 Acres treat acres to the former talked 50.42 Acres treat to the former talked 50.42 Acres treat to the former talked 50.42 Acres treat talked 50.42 Acres talked 5

122-bitch trans and found in the north right-of-wave (R-O-W-) inter of F-M interference BTS (variables width) marking the social-mean of said carles 208 5250 in Acoditional contrast of that called BD 748 Acres track and baing a south contast of the herean described basis.

Inh 86°19708° Weed, 198,62 Seek with the north R-O-W. Inne of seld F-M. Higtweey 875 to a 1.52-inch inon-tod with celp stamped "APEX LAND SURVEY/R4D" set outheesel contem of the featerin described tract,

THENCE, North 572 78 feature 102-inch incr rad with cap atempted "MPEX LAND BLIRVEY/RIZ" and maniping an intensis conner of the herwin described back.

THENCE, N (4) 80758721° Vened, 685.84 Seed to a 102-both loon road with cap starrayed "APEX LANC" SURVEY SVE" and in the constantions of V V Jones. Filed (whith uniconser) continuent recence of the tanance described land".

THENCE, North COTSATSY East, 1,302 To feel with the centerine of easts V V Junes Road to a 12-roch interiod transformed to excellences of the elemenentisted

THENCE, North 0117747 East, 208 99 feet continuing with the cardenine of east V V Jones Road to a 12-41th iron rod with cap stamped TAPEX LANC SURVEY HIT set making the northwest comm of east 5 00 Acres tract.

THENCE, North G4150137" East, JS1 78 feet to a 102-roch iron rod with cap talknowd 14POX LAND ELRIVE YBX2" sait in the east line of said V V. Jones Road marking the southeast context of triat called 3 01 Acres that conveyed to Joe Robert Markings of record in Vol. 1542, Fig. 405, D.R.E.C.T. and a northeast context of the herein description.

THERECE, North 80°40'39° East, et X02 44 feet passing a 1,0-inch inter not with cap (Bagible) marking the southeast comer of aud 3.01 Acres link) for a total diabatic 1,558 22 feet to a SB-inch into not build marking the southeast comer of that called 11 367 Acres fract conveyed to Georgia M. Taylor of neovol e Vol. 873, Pig. To4 0.9 E C T. and an interfor comer of the Sereen described thad.

DNENCE, North 00/30/10/10 East, at 435.00 heat passing a 5/8-inch ince-red found manking the nurtheast corner of seat 11.662 Actes tract for a total distance of 1.276.68 heat to a 384-inch incl found in the worth line of their celled 41.08 Acres tract conveyed to Monthead Mitchell of record in Vol. 528. Fig. 170, D.R.E.C.T. and a hothward corner of the failed manifestimation.

THENCE, North 69/5117 East, 1.030 01 feel with the south line of send 41 08 Acres tract to a 5/8-rost root found in the west line of that called 132.82 Acres tract conveyed to Jeny L. Spellers of record in Vol. 662, Pg. 337, D.R.E.C.T. and marking a northeast contex of the twenth described tract.

THENCE: Bours OF DETERT Wand, 1,159 30 feet with the lease the of seld 132 82 Acres treat to a 1/2-rich itor not with cap stamped "APEX LAND BURVE VINC" and marking content of Sile Network General band bra

THENCE, North #7464T East, 2.646 26 fast with the shaft like of said 182.82 Acres liked to a 172-bit ron and with map stamped "AFEX LAND SURVE York?" set in the Mail black converged to justry 6. Speciarie of records in Vol. 6017, Pg. 133, D R E C T ainst a northnesed coiriner of the herein described base

THENCE, South CT 12700" East, 2.050 12 feet with the eductrisms of least Jenny L. Spellers tract to a 102-monitrium tod with cap stamped "APEX LAND SURVEY (NU" set in the north R O W line of the absence time of F.M. Highways 875 and ministring the southwest comes of the newsit described tract

THENCE, with the wordt R  $\odot$  W line of wald F M. Highway 675 the following elevent (11) concreases

uth 80° 1355° Week, 530 (1) least to a . 1/2-inch inco nod with cosp stangend "APEX ("ANE) SURVEVINE" and marking a conner 8 6

20 RF4211' West, 101 17 Reel to a 1720101 for red with our element "APEX CAND BURVEYING" we marking a corner

20 69° 14°UT Week, 200 00 best in a 1/2-inch internet with case interspect "APEX LANE) BURYEY Ref" and marking a conner

the 82° 14°07" Whead, 10°1 12 Novel Ice as V2-linch inom need towards meanwhiles a comman

n ar 1407 Ward, 100.05 had to a 122-inch inso not with cap alampad "APEX LAND BURVEY NOT and marking a comme

uite 40°42°11° Weine, 10°1 12 Need to a 122-leach ince rise bound marking a come

7 Block HS\*1412" West 1 719 30 feet to a 1/2-inch iron rod with case alamped "APEX LANC SURVEY INC" and marking the beginning of a curve to the right.

8. SOB Fite heat with the airs of wald converts the right banking a radius of 11,414 to heat, a central angle of 01120007 and a cross that bases hours ABTS6787 Wasc, 308 FF heat to a VS-institute with radio abanyoed "APEX LANES SURVEY WICE and matching the and of sead conver.

S North 697 1958" West, 174 80 feet to a 120-rath Hon rod anth cap starrpast "APEX LAND SURVEYIND" and marking the tapporting of a norve to the laft.

10 327 AS finds wells the and of wells during to the left heaving a reduce of 11 SEA 10 feed, a control and/a of 01 TEPOST and a choice theat bears bouts HET SERT Week, 527 64 feed to a VS-inch kinn not wells now stamped "AFEX LAND SD/FET Het marking the and of well of well outve

11 South 66/39/32" West, 220 75 hert to the POINT OF BEGINNING and CONTAINING 344 3 Acres (14 595 513 Eq. Ft 1st and

A piel of even date ecoorganess this meter and bounds description

I. Rodric R. Reese, Registered Professional Land Surveyor Register is necessary registered fromessional tune surveys no. 5883, do hereby certify that the map shown hereon was prepared under my direct supervision from a survey indde on the ground, and that such map is an accurate representation of the subject property. 5883 Rodric R. Reese, R.P.L.S. No. 5883 1/21/2022 Derte



APEX Land Surveying TRPLS Firm Registration No. 161911.20 214 Wapets Drive Aale, TV. 76020 (817) 555-5581

SURVEY OF 344.3 ACRES TRACT OF LAND SINATED IN ALEXANDER J. RUGELY, A-924, 5315 504 St. Ste. D.S. BUCKNAM CANFIELD SURVEY, A-196, Lableck TX. 7414 FILLIS OVERTY TRAC



PROJECT: 2021 002-Circle S.dwg ORAWN BY: 85/80 DATE: 1/20/22 FIELD CREW: CP/JM DATE: 1/20/22 SCALE PAGE: 4 OF 4

# Tract 3

#### METES AND BOUNDS DESCRIPTION

92.18 Acres (4,015,275 Square Fees) Leannan Kelley Survey, Abstract Number 594 Jackton Shoth Survey, Abstract Number 963 Fils County, Texas

BERNE & R2 VE Acres (4,015,275 for, F1) based of send schemed in the Lancester Kallacy Europy, A.664 and the Jackasen Sender History A-803, Ellis County, Texas, barling the remnand portions of that cashed Fred 65 Acres ends, accord Text 40 Acres of land conveyed to Henry Wayne Blackwell and wife, Antia Blackwell by deed of treated is. Yokime 488, Page 209, Deed Records, Ellis County, Texas, (D.R.E.C.Y.) and more particularly described by matex and bounds as follows

BECONNENCE at a MACA-tail and in the contentions of Must Roads (variable workh) and marking the northness conner of Bad called 5.00 acres track converged to Showin Michael McChary and Bittlerry Leigh McChary by david of record in Doc. No. 212(2):100; D.R.E.C.T. marking the northness conner of the tenses described tract.

THENCE, Bould: 30" 11127" East, 1.044 47 Neet with the west line of said 5.00 acres to a 1/2-inch Fon ind with cap stamped "APEX LAND SURVEVING" ant marking an interfor come of the herein described text.

THENCE, North 6072738° East, 2018 71 famil with the south line of said 5.00 ecres liser to a 1/2-inch ince rod with cap alamped "APEX LAND BURVEVINC" set in the seest line of that celled bit access back converting to Events E. McCrain by samped Volume 608, Page 641, D.R.E.C.T. marking a northeast corrier of the herein described back,

THENCE, Booth 30°11122° East, at 14.15 feet passing a 1/2-moth truth pipe, for a total distance of 1,507.30 with the west line of said B1 acres for 83%-inch from tod found marking the northeast content of that called 19.95 acres trust conveyed to Statey Campbell and Mark Campbell, with and husband, by deed, of record in Document No. 1933303, D.R.E.C.T. and marking the southeast correct of the horizon described trust.

THENCE, South 72°32°53° Went, 1,216.61 Reef with the north line of said 19.93 ecres to a 35-inch iron root bound marking the notheadel comercial Renotwise Extense, Press, 2. of record in Catanet C. Soldes 557 and 566. Part Renords, Elita County, Texas, manking an angle point of the heriam described thest.

THENCE, with the north line of said Ranchware Estates, Phase 2, the following four (4) courses

1. Bondh 71°24/397 Wassel, 50 18 feel to a 1/2-inch ince root bound marking the northwassi conner of Lot 25, and an angle point of the here's described theid

2. Bourn 72"11"53" Want, 246 86 feet to a 1/2-inch iron rod lound marking the northwest corner of Lot 28, and an angle point of the herein described Sect

5. South 74 1745' West, 304 05 feet to a 100-och into not will out atompted "APOX LAND SURVEYING" set marking an angle point of the herein described tract

4. South 44/09/45' West, 2881 11 fast to a 3/8-moh iron rod found marking the southeast corner of that tract converged to Crocker and wife. Many Jean Crocker, (record not found) and marking the southwest corner of the tensish described text). eyed to Samery O

WEACE, North 30"SETS" Went, 1,566 95 feet with the east line of and Cristian back to a 38-inch size lod found marking the solutioned commer of that called 2.00 acres show one even merels are on asso unclear back to a between merels to a burn merels pre-solutioned commer of that called 2.00 acres show to commer due to Challon D and Kally A. Blockseel by devel of merels to Vourne 1926, Page 447.0 AE 0.1 and being the serve commer devolved in that called 3.4374 acres survey pair by Michael L. Cox deted 97764 and marking a northwest convert of the herein devolved model.

THENCE, North 50119502" East, passing a Stewards han root marking the southeast content of said 2.50 earnes for a total distance of 558-71 feet to a Stevarch non-root found marking the southeast content of said 3.4374 earnes and marking an internet content of the Netwin described thed

INENCE, North 30140147 Work, 415.28 feet to a MAG-hief and in the perturbative of the eltrementaries Mart Read meeting the . Not of the hereis described tract

THENCE, North 50738-407 East, 1.507 57 next to the POINT OF BEGINNING and CONTAINING 52 18 acres 14 016,375 Siguate Feet) of land



APRX Land Surveying TEPLS Firm Registration No. 101941-30 214 Wapiti Drive Asle,TX, 70020 (817) 545-4461

5515 50th St. Sec. D-S Lubbock, TX, 79414

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# EXHIBIT "C" Petition for Consent filed with City

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# PETITION FOR CONSENT TO INCLUDE LAND IN A MUNICIPAL UTILITY DISTRICT

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RECEIVED

MIDLOTHIAN, TEXAS

THE DIALE OF TEAAS	8	
COUNTY OF ELLIS	§ §	JUN 1 3 2022
		CITY SECRETARY'S OFFICE

# TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF MIDLOTHIAN:

THE STATE OF TEVAS

We, the undersigned landowners (the "<u>Petitioners</u>") of the territory hereinafter described by metes and bounds, being all of the landowners of said territory, respectively petition your Honorable Body for consent to and support of the creation of a municipal utility district (hereinafter defined) by the Texas Commission on Environmental Quality, and would respectfully show the following:

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The name of the proposed district shall be CIRCLE S MUNICIPAL UTILITY DISTRICT, or such other name as is approved by the Texas Commission on Environmental Quality (the "District").

11.

The 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 District shall contain an area of approximately 1,991.48 acres of land, situated within Ellis County, Texas, described by metes and bounds in Exhibit "A", which is attached hereto and made a part hereof for all purposes (the "Property"). The Property is located partially within the extraterritorial jurisdiction of the City of Midlothian, Texas.

### IV.

The undersigned constitute the current sole landowners of the Property to be included within the District. The Petitioners represent that there are no holders of liens against the Property other than those who have consented to this Petition by their signature below. 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.

# VI.

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.

### VII.

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; the construction, maintenance and operation of parks and recreational land and facilities; and the construction, installation, maintenance, purchase and operation of facilities as shall be consonant with the purposes for which the District is organized.

### VIII.

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 Ellis 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 adequate 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.

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 \$750,000,000, 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 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

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serving the area within the District, as of the date this Petition is filed.

Petitioners request consent, permission, and support for the inclusion of the Property 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.

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, and for such other orders, acts, procedure and relief as are proper and necessary and appropriate to the purpose of organizing the District.

### [Signature Page Follows]

RESPECTFULLY SUBMITTED the  $1^{5+}$  day of June, 2022.

### PETITIONERS:

# CIRCLE S MIDLOTHIAN, LLC

a Texas limited liability company

Rick Miskimon, Managing Member By:

STATE OF OKLAHOMA COUNTY OF ATOKA

Before me on this day personally appeared Rick Miskimon, Managing Member of Circle S Midlothian, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this  $\frac{15^4}{15^4}$  of June, 2022

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NICH BURA REN BURN "MALLED BURNESS **298A38**95 쓨 Ŏг OY

HULLI / UMA Notary Public, State of Oklahoma

919/2024

# HAB 3336, LLC,

a Texas limited liability company

By

Name: Clinton Blackwell Title: Manager

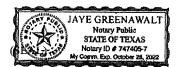
STATE OF TEXAS COUNTY OF DALLAS

Before me on this day personally appeared Clinton Blackwell, the Manager of HAB 3336, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

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Given under my hand and seal of office this  $\underline{SH}$  of June, 2022.

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Notary Public, State of Texas

Lienholder Consent

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STATE OF TEXAS

COUNTY OF ELLIS

The undersigned being the holder of a lien on all or a portion of the land as described in the Petition for Consent to Include Land in a Municipal Utility District (the "Petition") and to which this certificate is attached, hereby consents to the Petition.

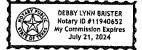
LIENHOLDER:

AgTexas Farm Credit Services, as agent/ nominee

an By: Kullite Name: Jonathan Kerby

Name: Jonathan Kerby Title: Vice President/ Branch Manager

STATE OF TEXAS § COUNTY OF \_\_\_\_\_\_\_ STINSON \$



This instrument was acknowledged before me on this the  $\frac{9^{th}}{2}$  day of June, 2022, by Jonathan Kerby, acting in his capacity as Vice President and Branch Manager of AgTexas Farm Credit Services, as agent/nominee, on behalf of said entity.

Neleling Bister 619/22 Debby Lynn Brister

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### Exhibit "A" Legal Description

### TRACT 1

BEING a 92.16 Acres (4,015,275 Sq. FL) tract of land situated in the Leeman Kelsey Survey, A-594 and the Jackson Smith Survey, A-963, Ellis County, Texas; being the remnant portions of that called First Tract 60 Acres and Second Tract 40 Acres of Land conveyed to Henry Wayne Blackweil and Weide, Anita Blackweilt by deed of record in Volume 486, Page 209, Deed Records, Ellis County, Texas, (D.R.E.C.T.) and more particularly described by metes and bounds as follows:

BEGINNING at a MAG-Nail set in the centerline of Murr Road (variable width) and marking the northwest corner of that called 5.00 acres tract conveyed to Shawn Michael McCrary and Brittany Leigh McCrary by deed of record in Doc. No. 2129100, D.R.E.C.T., marking the northeast corner of the herein described tract;

THENCE, South 30'11'22' East, 1,044.47 feet with the west line of said 5.00 acres to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking an interior corner of the herein described tract;

THENCE, North 59'23'38" East, 208.71 feet with the south line of said 5.00 acres tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the west line of that called 81 acres tract conveyed to Donaid E. McCrary by deed of record in Volume 695, Page 641, D.R.E.C.T. marking a northeast comer of the herein described tract;

THENCE, South 30'11'22" East, at 14.15 feet passing a 1/2-inch iron pipe, for a total distance of 1.307.30 with the west line of said 81 acres to a 3/8-inch iron rod found marking the northeast comer of that called 19.93 acres tract conveyed to Shirley Campbell and Mark Campbell, wife and husband, by deed of record in Document No. 1933303, D.R.E.C.T. and marking the southeast corner of the herein described tract;

THENCE, South 72'32'53" West, 1,216.61 feel with the north line of said 19.93 acres to a 3/8-inch iron rod found marking the northeast corner of Ranchview Estates, Phase 2, of record in Cabinet C, Stides 567 and 568, Plat Records, Ellis County, Texas, marking an angle point of the herein described tract;

THENCE, with the north line of said Ranchview Estates, Phase 2, the following four (4) courses:

1. South 71\*24/39\* West, 50.18 feet to a 1/2-inch iron rod found marking the northwest corner of Lot 25, and an angle point of the herein described tract;

2. South 72\*11/53\*West, 246.86 feet to a 1/2-inch iron rod found marking the northwest corner of Lot 26, and an angle point of the herein described tract;

3. South 74\*1745\* West, 308.05 feet to a 1/2-inch Iron rod with cap stamped "APEX LAND SURVEYING" set marking an angle point of the herein described tract;

4. South 44\*03'45" West, 286.11 feet to a 3/8-Inch Iron rod found marking the southeast corner of that tract conveyed to Sammy D. Crocker and wife, Mary Jean Crocker, (record not found) and marking the southwest corner of the herein described tract;

THENCE, North 30'56'15' West, 1,596.96 feet with the east line of said Crocker tract to a 3/8-inch fron rod found marking the southwest comer of that called 2.00 acres tract conveyed to Clinton D, and Kelly A. Blackwell by deed of record in Volume 1979, Page 547, D.R.E.C.T. and being the same comer described in that called 3.4374 acres survey plat by Michael L. Cox dated 677/04 and marking a northwest comer of the herein described tract;

THENCE, North 59\*18'03" East, passing a 5/8-inch ircn rod marking the southeast corner of said 2.00 acres for a total distance of 358,71 feet to a 5/8-inch iron rod found marking the southeast corner of said 3.4374 acres and marking an interior corner of the herein described tract;

THENCE, North 30'40'45" West, 415.26 feet to a MAG-Nail set in the centerline of the aforementioned Murr Road marking the northwest corner of the herein described tract,

THENCE, North 59"38'49" East, 1,507.57 feet to the POINT OF BEGINNING and CONTAINING 92.18 acres (4,015,275 Square Feet) of land.

### TRACT 2

BEING an 1,555 Acres (87.746,507 Sq. FL) tract of land situated in the Bucknam Canfield Survey, A-190, M. B. Atkinson Survey, A-21, E. Ballard Survey, A-110, Jaokson Smith Survey, A-963, Leeman Keisey Survey, A-564, Etilis County, Texas; being a portion of that called 1,557.74 Acres tract conveyed to Harper Cattle, LL.C. of record in Vol. 1542, Pg. 1073, Deed Records, Ellis County, Texas, (D.R.E.C.T.) and more particularly described by metes and bounds as follows:

BEGINNING at a 172-inch iron pipe found in the east right-of-way (R.O.W.) line of F.M. Highway 157 (variable widh) marking the southwest corner of that called 213.02 Acres tract conveyed to Helen Howle, as Trustee of the Alice Nichero Howle Revocable Trust of record in Vol. 2818, Pg. 2041, O.R.E.C.T., from which a TX-DOT wood post monument found bears North 30° 1800° West, 481.31 feet; and being the west corner of the herein described tract;

THENCE, with the south and east boundary line of said 213.02 Acres tract the following four (4) courses:

1. North 58'57'05" East, 1.551.23 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking an interior corner of the herein desoribed track;

2. North 00'33'20' West, 3,051,59 feet to a 1/2-Inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the northwest corner of the herein described tract;

3. North 89\*20\*13\* East, 473.00 feet to a 1/2-inch iron pipe found marking an interior corrier of the herein described tract;

4. North 02\*10\*17\* East, 73.61 feet to a 1/2-inch iron rod found in the south R.O.W. line of F.M. HWY 875 (variable width) and marking a northwest comer of the herein described tract

THENCE, with the south R.O.W. line of said F.M. HWY 875 the following nine (9) courses:

1. North 80\*20'13\* East, 40.10 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner,

2. North 60\*28'02\* East, 2,167.42 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

3. South 82"00'07" East, 101.12 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

4. North 89\*28'02" East, 198.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

6. North 80'05'02" East, 104.10 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

8. North 80\*33'11" East, 101.12 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

7. North 89\*15/52\* East, 430.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the

B. 174.08 feet with the arc of said curve to the left having a radius of 11,808.34 feet, a central angle of 00\*5200° and a chord that bears North 88\*40\*52° East, 174.08 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said ourve;

9. North 88'53'06" East, 563.08 feet to a 1/2-inch iron rod found marking the northwest corner of that called 1.478 Acres tract conveyed to Carl Snider and wife, Karen Snider of record in Vol. 1173, Pg. 122, D.R.E.C.T.;

THENCE, with the west and the south lines of said 1.478 Acres tract the following four (4) courses:

1. South 00\*30\*35\* West, 188, 15 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the southwest corner of said 1.478 Acres tract;

2. South 87\*28'57" East, 56.50 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

3. North 72'10'48" East, 300.80 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner,

4. North 61110/27" East, 160.83 feet to a 1/2-4nch iron rod with cap stamped "APEX LAND SURVEYING" set in the south R.O.W. line of the aforementioned F.M. 876 and marking the northeast corner of said 1.478 Aores tract;

THENCE, with the south R.O.W. line of said F.M. HWY 875 the following seven (7) courses:

1. North 87\*57'25\* East, 244.59 feet to a 1/2-inch iron rod with cap stamped "AFEX LAND SURVEYING" set marking the beginning of a curve to the

2.311.10 feet with the arc of said curve to the left having a radius of 11,503.46 feet, a central angle of 01\*3300\* and a chord that bears South 80\*47\*58\* East, 311.18 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve:

3. North 89\*25'31" East, 1.718.58 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a comet. 4. South 82'02'38" East, 101.12 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner; 5. North 89"25"31" East, 100.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner; 6. North 80\*54'40" East, 101.12 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner; 7. North 89"25'31" East. 2, 141.50 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the west R.O.W. line of Norrell Road (variable width) marking the nontheast corner of the herein described tract: THENCE, South DD\*1921\* East, 4,351.33 feet with the west R.O.W. line of said Norrell Road to a PK Nail set at the intersection with the the centerline of Murr Road (variable width) marking the southeast corner of the herein described tract; THENCE, South 82'52'03" West. 78.29 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the north R.O.W. (ne of Murr Road marking the beginning of a curve to the left; THENCE, with the north R.O.W. line of said Murr Road the following twelve (12) courses: 1. 280.89 feet with the are of said curve to like left having a radius of 422.30 feet, a central angle of 36\*23'47" and a chord that bears South 86\*36'30' West, 256.76 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve; 2. South 47\*28'18\* West, 70.50 feet to a 1/2-inoh iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the right 170:80 feet with the arc of said curve to the right having a ratius of 763.87 feet. a central angle of 13\*20\*12\* and a chord that bears South 53\*00/56\* West, 170:39 feet to a 1/2-meh iron rod with cap stamped \*APEX LAND SURVEYING\* set marking the end of said curve; 4. South 59\*08'53\* West, 881.45 feet to a 1/2-inch iron rod with cap stamped \*APEX LAND SURVEYING\* set marking the beginning of a curve to the left; 5. 147.57 feet with the arc of said curve to the left having a radius of 2,810.33 feet, a central angle of D3\*14/21\* and a chord that bears South 67\*314/3\* West, 147.55 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a reverse curve; 147.56 feet with the arc of said reverse curve having a radius of 2,240.32 feet, a central angle of 03'45'33" and a chord that bears South 57'47'19" West, 147.55 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve; 7. South 59"40'05" West, 1,140.69 feet to a 1/2-Inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner. 8. South 59'44'12" West, 2,434.57 feet to a 1/2-Inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner. 9. South 59" 18'11" West, 1,118.93 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner. 10. South 58"52'41" West, 1,276.35 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner, 11. South 59"05'20" West, 1,105.30 feet to a 1/2-inch fron rod with cap stamped "APEX LAND SURVEYING" set marking a corner; 12. South 58'41'43' West, 440.29 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the east R.O.W. line of the aforementioned F.M. HWY 157 marking the southwest corner of the herein described tract and the beginning of a curve to the right; THENCE, with the east R.O.W. line of said F.M. HWY 157 the following six (8) courses: 1. 236.34 feet with the 3ro of sald curve to the right having a radius of 1,838.48 feet, a central angle of 07'21'66' and a chord that bears North 33\*54'66' West, 236.18 feet to a 1/2-inoh iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said ourve; 2. North 30\*20'53" West, 4.583.83 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the right; 3. 268.48 feet with the arc of said ourve to the right having a radius of 0.037.17. a central angle of 02\*32\*63\* and a chord that bears North 26\*10\*26\* West, 268.46 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said ourve; 4. North 27\*5342\* West, 282.51 feet to a 1/2-inch iron rod with cap stamped \*APEX LAND SURVEYING\* set marking the beginning of a curve to the left; 5. 238,46 feet with the arc of said curve to the left having a radius of 6,784.72, a central angle of 02\*22'27\* and a chord that bears North 20\*04'56\* West. 238,44 feet to a 1/2-inch iron rod with cap stamped \*APEX LAND SURVEYING\* set marking the end of said ourve; 6. North 30"10'09" West 271.80 feet to the POINT OF BEGINNING and CONTAINING 1,555 Acres (67,748,507 Sq. Ft.) of land. A plat of even date accompanies this metes and bounds description.

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# **EXHIBIT "D"** Certificate of Posting Petition for Services in 3 Locations in District

4878-7172-0787v.1

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# <u>CERTIFICATE OF POSTING OF</u> <u>PETITION FOR SERVICES OTHERWISE PROVIDED BY</u> <u>CIRCLE S MUNICIPAL UTILITY DISTRICT</u>

# THE STATE OF TEXAS

### COUNTY OF ELLIS

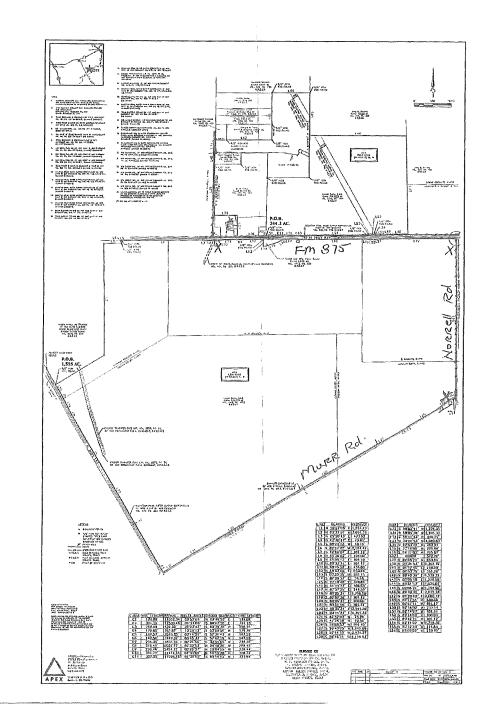
I,  $\underbrace{10}_{i}$ ,  $\underbrace{10}_{i}$ ,

Signature of Person Posting

Printed Name of Person Posting: <u>W. GARRET WEAP</u>

§

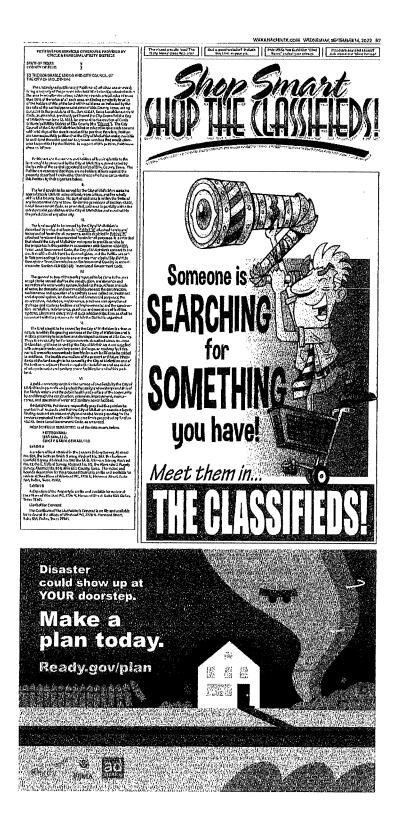
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# **EXHIBIT "E"** Affidavit of Publication and Tearsheet for the Notice of Petition

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	Waxahact	ie Daily Light		
310 Water St	•	Circle S MUD	) - 442570	
Waxahachie,	TX 75165			
State of Texa published and regular edition	er/agent of Her s. States that t d of general cin h of said paper copy was publi	his newspaper culation in said , and that the	r is a qualifi I county, wa notice of wh	ed news as publis tich the
	PUBLICAT	TION DATES		
09/14/2022	TODEIOA	INDAILO		
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$\mathcal{A}$				
Lisa Drafall, R	egional Vice Pre	esident of Sales	1	·
Signed and sv this	vorn to before m	ie oli 29 Day	/ 9 Month	2022 Year
My commissio Commission#	ve, NOTARY NA	ME, Notary Put Septembe	olic	5
Seal				
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Seal Publication Fe	e\$247.52			
	,	Measurement		
	,	Measurement Columns	Insertions	 



# EXHIBIT "F" Petition for Services filed with City

RECEIVED

### PETITION FOR SERVICES OTHERWISE PROVIDED BY CIRCLE S MUNICIPAL UTILITY DISTRICT SEP 3 0 2022

STATE OF TEXAS\$CITY SECRETARY'S OFFICECOUNTY OF ELLIS\$MIDLOTHIAN, TEXAS

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

The undersigned petitioners ("Petitioners", 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 central appraisal district of Ellis County, Texas, acting pursuant to the provisions of Section 42.042, Texas Local Government Code, as amended, previouslypetitioned the City Council of the City of Midlothian on June 13, 2022, for consent to the creation of Circle S Municipal Utility District of Ellis County (the "District"). The City Council of the City of Midlothian failed or refused to give such consent within 90 days of the date it received the petition; therefore, Petitioners now respectfully petition that the City of Midlothian make available to such land the water and sanitary sewer services that would otherwise be provided by the District. In support of this petition, Petitioners show as follows:

١.

Petitioners are the owners and holders of fee simple title to the land sought to be served by the City of Midlothian, as indicated by the tax rolls of the central appraisal district of Ellis, County, Texas. The Petitioners represent that there are no holders of liens against the property described herein other than those who have consented to this Petition by their signature below.

# II.

The land sought to be served by the City of Midlothian contains approximately 1,991.48 acres of land, more or less, and lies wholly within Ellis County, Texas. No partof 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 partially within the extraterritorial jurisdiction of the City of Midlothian and is not within the jurisdiction of any other city.

### Ш.

The land sought to be served by the City of Midlothian is described by metes and bounds in <u>Exhibit "A"</u> attached hereto and incorporated herein for all purposes, and is depicted in <u>Exhibit "B"</u> attached hereto and incorporated herein for all purposes. It is intended that should the City of Midlothian not agree to provide service to the properties in this petition in accordance with Section 42.042(c), Texas Local Government Code, the City of Midlothian's consent to the creation of the District will be deemed given, and the Petitioners will initiate proceedings to create one or more municipal utility districts through the Texas Commission on

Petition for Utility Services - Circle S MUD

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Environmental Equality in accordance with Section 42.042(c)-(d), Texas Local Government Code.

# IV.

The general nature of the work proposed to be done in the area sought to be servedshall be the construction, maintenance and operation of a waterworks system, including thepurchase 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.

V.

The land sought to be served by the City of Midlothian is urban in nature, is within the growing environs of the City of Midlothian and is in close proximity to populous and developed sections of Ellis County. There is a necessity for the improvements described above because the land sought to be served by the City of Midlothian 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 Midlothian and of the territories adjacent thereto require the installation and acquisition of adequate water and sanitary sewer facilities for and within such land.

VI.

A public necessity exists for the service of said lands by the City of Midlothian 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, Petitioners respectfully pray that this petition be granted in all respects and that the City of Midlothian execute a legally binding contract on commercially reasonable terms providing for the services requested herein within the timelimits prescribed by Section 42.042, Texas Local Government Code, as amended.

### [signature page follows]

Petition for Utility Services - Circle S MUD

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RESPECTFULLY SUBMITTED as of the date sworn, below.

### PETITIONERS:

# **CIRCLE S MIDLOTHIAN, LLC** a Texas limited liability company

Non By: Rick Miskimon, Managing Member

Approximate acreage owned: 1,899.3 acres

, 2022.

STATE OF OKLAHOMA

Before me on this day personally appeared Rick Miskimon, Managing Member of Circle S Midlothian, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

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Given under my hand and seal of office this 23d of AUQUST REN BURN M ANTAR Notary Public, State of Oklahon 1111 #(<del>250U3</del>895 exp: 4/9/2021 OF OKL

Signature Page - Circle S MUD

HAB 3336, LLC, a Texas limited liability company

Black By

Name: Clinton Blackwell Title: Manager

Approximate acreage owned: 92.18 acres

STATE OF TEXAS COUNTY OF Dallas

Before me on this day personally appeared Clinton Blackwell, the Manager of HAB 3336, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated stated.

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Given under my hand and seal of office this 250 of <u>August</u>, 2022.



Signature Page - Circle S MUD

### Lienholder Consent

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STATE OF TEXAS COUNTY OF ELLIS

The undersigned being the holder of a lien on all or a portion of the land as described in the Petition for Services Otherwise Provided by Circle S Municipal Utility District (the "Petition") and to which this certificate is attached, hereby consents to the Petition.

LIENHOLDER:

AgTexas Farm Credit Services, as agent/ nomined

ut 1 By Mare: Jonathan Kerby

Title: Vice President/ Branch Manager

DEBBY LYNN BRISTER Notary ID #11940652 My Commission Expires July 21, 2024

STATE OF TEXAS COUNTY OF bhrson \$

This instrument was acknowledged before me on this the  $2\frac{yt}{d}$  day of August, 2022, by Jonathan Kerby, acting in his capacity as Vice President and Branch Manager of AgTexas Farm Credit Services, as agent/ nominee, on behalf of said entity.

hely Buter 8/24/22

Lienholder Consent - Circle S MUD

### Exhibit "A" Legal Description

### TRACT 1

BEING a 92.19 Acres (4,015.275 Sq. FL) tract of land situated in the Leeman Kelsey Survey, A-594 and the Jackson Smith Survey, A-903, Ellis County, Texas, being the remnant portons of that casted First Tract 60 Acres and Second Tract 40 Acres of land conveyed to Henry Wayne Blackwell and wife, Anita Blackwell by deed of record in Vorume 430, Page 209, Deed Records, Eilis County, Texas, (D.R.E.C.T.) and more particularly described by metes and bounds as Nickows:

BEGINNING at a MAG-Nail set in the centerline of Murr Road (variable width) and marking the northwest corner of that called 5.00 acres tract conveyed to Shawn Michael McCrary and Brittany Leigh McCrary by deed of record in Doc. No. 2129100, D.R.E.C.T., marking the northeast corner of the herein described tract;

THENCE, South 30"11'22" East, 1,044.47 feet with the west line of said 5.00 acres to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking an interior corner of the herein described tract;

THENCE, North 59'23'36' East, 208.71 feet with the south line of said 5.00 acres tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the west line of that called 61 acres tract conveyed to Donald E. McCrary by deed of record in Volume 695, Page 641, D.R.E.C.T. marking a northeast comer of the herein deacribed tract;

THENCE, South 30°11'22° East, at 14.15 feet passing a 1/2-inch iron pipe, for a total distance of 1,307.30 with the west line of sald 81 acres to a 38-inch iron rod found marking the northeast corner of that called 19.93 acres tract conveyed to Shirley Campbell and Mark Campbell, wife and husband, by deed of record in Document No. 1933303, D.R.E.C.T. and marking the southeast corner of the herein described tract;

THENCE, South 72'3253' West. 1,216.61 feet with the north line of said 19.93 acres to a 3/8-inch iron rod found marking the northeast comer of Ranchview Estates, Phase 2, of record in Cabinet C, Slides 567 and 568, Plat Records, Ellis County, Texas, marking an angle point of the herein described iract;

THENCE, with the north line of said Ranchview Estates, Phase 2, the following four (4) courses:

1. South 71'24'39' West, 50.16 feet to a 1/2-inch iron rod found marking the northwest corner of Lot 25, and an angle point of the herein described tract;

2. South 72'11'53' West 246.86 feet to a 1/2-inch iron rod found marking the northwest corner of Lot 26, and an angle point of the herein described tract;

3. South 74\*17\*45" West, 308.05 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking an angle point of the herein described tract;

4. South 44'03'45" West, 286.11 feet to a 3/8-inch iron rod found marking the southeast corner of that fract conveyed to Sammy D. Crocker and wife, Mary Jean Crocker, (record not found) and marking the southwest corner of the herein described tract;

THENCE, North 30°56°15" West, 1,506.96 feet with the east line of said Crocker tract to a 3/6-inch iron rod found marking the southwest comer of that called 2.00 acres tract conveyed to Crinton D, and Keity A. Blackwell by deed of record in Volume 1979, Page 547, D.R.E.C.T. and being the same comer described in that called 3.4374 acres survey plat by Michael L. Cox dated 6/7/D4 and marking a northwest comer of the herein described tract;

THENCE, North 59°18'03" East, passing a 5/8-inch iron rod marking the southeast corner of said 2.00 acres for a total distance of 358.71 feet to a 5/8-inch iron rod found marking the southeast corner of said 3.4374 acres and marking an interior corner of the herein described tract;

THENCE, North 30'40'45" West, 415.26 feet to a MAG-Nail set in the centerline of the aforementioned Murr Road marking the northwest corner of the herein described tract;

THENCE, North 59'38'49' East, 1,507.57 feet to the POINT OF BEGINNING and CONTAINING 92.18 acres (4,015,275 Square Feet) of land.

Exhibit "A" – Page 1

### TRACT 2

BEING an 1,565 Acres (07.740,507 Sq. FL) bract of land situated in the Bucknam Canfield Survey, A-190, M. B. Atkinson Survey, A-21, E. Ballard Survey, A-110, Jackson Smith Survey, A-063, Leeman Ketsey Survey, A-504, Ellis County, Texas; being a portion of that called 1,557,74 Acres tract conveyed to Harper Cattle, LLC. of record in Vol. 1542, Pg. 1073, Deec Records, Ellis County, Texas, (D.R.E.C.T.) and more particularly described by metes and bounds as follows:

BEGINNING at a 172-mch iron pipe found in the east right-of-way (R.O.W.) line of F.M. Highway 167 (variable width) marking the southwest corner of that called 213.02 Agress tract conveyed to Helen Howle, as Trustee of the Alice Micharo Howle Revocable Trust of record in Vol. 2016, Pg. 2041, D.R.E.C.T., from which a TX-DOT wood post monument found bears North 36' 16'09' West, 481.31 feet; and being the west corner of the herein described trad;

THENCE, with the south and east boundary line of said 213.02 Acres tract the following four (4) courses:

1. North 58/57/08/ East, 1.651.23 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking an interior corner of the nervin described tract;

2. North 08133261 West, 3,051.59 feet to a 172-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the nonthwest corner of the herein described tract;

3. North 89'20'13' East, 473.00 feet to a 1/2-inch iron pipe found marking an interior corner of the herein described tract;

4. North D2\*10'17" East. 73 61 feet to a 1/2-inch iron rod found in the south R.O.W. Ene of F.M. HWY 876 (variable width) and marking a nonhwest corner of the herein described tract.

THENCE, with the south R.O.W. line of said F.M. HWY 875 the following nine (9) courses:

1. North 89'20'13' East, 40.10 feet to a 1/2-inch from roc with cap stamped "APEX LAND SURVEYING' set marking a corner;

2. North 89\*28'02' East, 2,167.42 feet to a 1/2-inch iron rod with cap stamped 'APEX LAND SURVEYING' set marking a corner.

3. South 82\*00/07\* East, 103.12 feet to a 1/2-loch iron rod with cap stamped "APEX LAND SURVEYING" set marking a comer,

4. North 89°29'02" East, 198.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

5. North 86\*05'02" East, 104.10 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner.

0. North 60\*33\*11\* East, 101.32 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

7. North 89°16'62' East, 438.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the left;

8. 174.08 feet with the arc of sald curve to the left having a radius of 11.608.34 feet, a central angle of 00°52'00° and a chord that bears North 86'49'52' East, 174.08 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

9. North 83\*53\*06\* East, 553 98 feet to a 1/2-inch iron rod found marking the northwest corner of that called 1.476 Acres tract conveyed to Carl Snider and wife. Karen Snider of record in Vol. 1173, Pg. 122, D.R.E.C.T.;

THENCE, with the west and the south lines of said 1.478 Acres tract the following four (4) courses:

1. South B0/30/35' West, 188.15 feet to a 1/2-inch iron rad with cap stamped 'APEX LAND SURVEYING' set marking the southwest corner of said 1.478 Acres tract;

2. South 87\*28'57\* East, 58.66 feet to a 1/2-inch iron rod with cap stamped "APEXLAND SURVEYING" set marking a corner,

3. Nonh 72'10'46' East, 386.00 feet to a 1/2-inch iron rod with cap stamped 'APEX LAND SURVEYING' set marking a corner;

4. North 6111927" East, 168.63 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the south R.O.W. Fne of the aforementioned F.M. 878 and marking the northeast corner of said 1.478 Acres tract:

THENCE, with the south R.O.W. Fne of said F.M. HWY 875 the following seven (7) courses:

1. North 87\*57/25\* East, 244.59 feet to a 1/2-inch iron rod with cap stamped 'APEX LAND SURVEYING' set marking the beginning of a curve to the left;

2.311.19 feet with the arc of said curve to the left naving a radius of 11,603.48 feet, a central angle of 01\*3300\* and a chord that bears South 86\*47/56\* East, 311.18 feet to a 1/2-inch iron rod with cap stamped \*APEX LAND SURVEYING\* set marking the end of said curve;

Exhibit "A" – Page 2

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6. North 30"18'09" West, 27 1.80 feet to the POINT OF BEGINNING and CONTAINING 1.555 Acres (67,746.507 Sq. FL) of land.

A plat of even date accompanies this metes and bounds description.

# 3. 208.49 feet with the aro of said ourve to the right having a radius of 8.037.17, a central angle of 02\*3263\* and a chord that bears North 26\*10/28\* West, 209.40 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said ourve:

2. North 20'28'53' West, 4.683.83 feet to a 1/2-inch iron rod with cap stamped 'APEX LAND SURVEYING' set marking the beginning of a curve to the right;

4. North 27\*53'42" West, 262.51 feet to a 1/2-inch icon rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the left; 5. 298.40 feet with the arc of said ourve to the left having a radius of 6,754.72, a central angle of 02\*22:27\* and a chord that bears North 20\*04'66\* West, 238.44 feet to a 1/2-inch iron rod with cap stamped \*APEX LAND SURVEYING\* set marking the end of said curve;

THENCE, with the east R.O.W. line of said F.M. HWY 157 the following six (8) courses: 1, 236.34 feet with the aro of said ourve to the right having a racius of 1,836.48 feet, a central angle of 07\*21\*56\* and a chord that bears North 33\*64\*05\* West, 236.18 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

12. South 59'43'43' West, 440.29 feet to a 1/2-inch iron rod with cap stamped 'APEX LAND SURVEYING' set in the east R.O.W. line of the aforementioned F.M. HWY 167 marking the southwest corner of the herein described tract and the beginning of a curve to the right;

11. South 59"05'20" West, 1,105.30 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner,

10. South 58'52'41' West, 1,276.35 feet to a 3/2-inch fron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

9. South 59\*16'11' West, 1,116.93 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

8. South 59\*44\*12\* West, 2,434.57 feet to a 1/2-Inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

7. South 59\*40\*05\* West, 1,149.69 feet to a 1/2-inch iron rod with cap stamped \*APEX LAND SURVEYING\* set marking a corner:

147.65 feet with the aro of said reverse ourse having a radius of 2,248.32 feet, a central angle of C3'46'33' and a shord that bears South 67'47'10' West, 147.65 feet to a 1/2-lnch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

8. 147.67 feet with the are of said curve to the left having a radius of 2,610.33 feet, a central angle of 03°14'21' and a chord that bears South 57°31'43' West, 147.65 feet to a 3/24nch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a reverse curve;

 170:80 feet with the arc of said ource to the right having a radus of 763.87 feet, a central angle of 13\*20\*12\* and a chord that bears South #3\*00%6\* West, 170:30 feet to a 3/24noh iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve; 4. South 5910963" West 681.45 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the ieft;

2. South 47\*29'18' West, 70:50 feet to a 1/2-inch iron rod with cap stamped "AFEX LAND SURVEYING" set marking the beginning of a curve to the right

260.86 feet with the are of said curve to the left having a radius of 422.30 Keet, a central angle of 36\*2347\* and a chord that bears South 60\*30\*0\* West, 258.76 feet to a 1/24nch iton rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

THENCE, with the north R.O.W. line of said Murr Road the following twelve (12) courses:

THENCE, South 82'52'03' West, 78:29 feet to a 1/2-inch iron rod with cap stamped "AFEX LAND SURVEYING" set in the north R.O.W. line of Murr Road marking the beginning of a curve to the left;

THENCE, South 00118/211 East, 4,351.33 feet with the west R.O.W. line of said Norreli Road to a PK Nail set at the intersection with the the centerline of Morr Road (variable width) marking the southeast comer of the herein described tract

7. North 69/26/31" East. 2.141.50 feet to a 1/2-finch from rod with cap stamped "APEX LAND SURVEYING" set in the west R.O.W. line of Norrell Road (variable width) marking the northeast corner of the herein described tract;

8. North 80°54'40" East, 101.12 feet to a 1/2-inch iron rod with pap stamped "APEX LAND SURVEYING" set marking a corner,

4. South 82\*02'38' East, 101.12 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner, 5. North 89\*25'31" East, 100.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner,

3. North 89'25'31" East, 1,718.68 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

#### TRACT 3

BEING a 344.3 Apres (14,995,613 Sq. Ft.) tract of land situated in the Alexander J. Rugely Survey, A-924, Bucknam Can5eld Survey, A-198, Elis Coonty, Texas: being a portion of that called 08.8502 Apres tract conveyed to Harper CatSe, L.L.C. of record in Vo. 1742. Fg. 1031, Deed Records, Elis County, Texas, (D.R.E.C.T.) and a portion of that called 074 Areas tract conveyed to E.W. Palic of record in Vo. 1752, Fg. 263, D.R.E.C.T. and a that called 500 Areas tract conveyed to E.W. Palic of record in Vo. 1752, Fg. 263, D.R.E.C.T. and a that called 500 Areas tract conveyed to E.W. Palic of record in Vo. 1752, Fg. 263, D.R.E.C.T. and a that called 500 Areas tract conveyed to E.W. Palic of record in Vo. 1752, Fg. 263, D.R.E.C.T. and a that called 500 Areas tract conveyed to E.W. Palic of record in Vo. 1752, Fg. 263, D.R.E.C.T. and a that called 500 Areas tract conveyed to E.W. 2016 and portion of that called 500 Areas tract conveyed to E.W. 2016 and portion of that called 500 Areas tract conveyed to E.W. 2016 and the called 500 Areas tract as shown on survey by J. Shawne Walker dated January 11, 2001 and more path/drive called 500 Areas tract conveyed to E.W. 2016 and more path/drive called 500 Areas tract 500 Areas tract called 500 Areas tract 50

BEGINNING at a 1/2-nch iron rod found in the north right-of-way (R.O.W.) (inverof F.M. Highway 876 (variable width) marking the southwest corner of said called 208.6262 Acres tract and the southwast corner of that called 60.748 Acres tract and being a south corner of the herein described tract

THENCE, South 88/39/33" West, 746.67 feet with the north R.O.W. line of said F.M. Highway 575 to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the touthwest conner of the benefit described tract

THENCE, North, 572.78 feel to a 1/2-inch izon rod with eap stamped "APEX LAND SURVEYING" set marking an interior corner of the herein described tract;

THENCE, North 60\*5521\* West, 653.84 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the centerline of V V Jones Road (with unknown) set marking a southwest corner of the herein described tast;

THENCE, North 0013452° East, 1.392.79 feet with the centerline of said V V. Jones Road to a 1/2-inch from roo found marking the southwest corner of the aforementioned 5.00 Acres trans;

THENCE, North 01\*1745" East, 298.09 feet continuing with the centerfune of said VV Jones Road to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set maning the northwest comer of said 6.00 Acres tract

THENCE, Norts 04'5036' East, 351.78 feel to a 1/2-moh from rod with cap stamped 'APEX LAND SURVEYING' set in the east fire of said V Junes Road marking the southwest comer of that called 3.01 Acres tract conveyed to Joe Robert Vartines of record in Vol. '342, Fg. 403, D.R.E.C.T. and a northwest corner of the herein cescribed tract

THEINCE, North 69/40397 East, at 202.44 feet passing a 1/2-inch iron rooi with cap (illegiale) marking the southeast comer of said 3.01 Acres tract for a total distance of 1,035.22 feet to a 3.04-inch iron of found marking the southeast comer of that called 11.957 Acres tract conveyed to Georgia M. Taylor of record in Vol. 273, Pg. 704, D.R.C.T. and an irvehor comer of the herein desched tract.

THENCE, North 00'00'10' East, at 428.00 feet passing a 5-8-inch iron rod found marking the north-east occreer of said 11.967 Acres track for a total distance of 1,278 88 feet to a 28-inch iron rod found in the scoth irre of that called 41.08 Acres track conveyed to Monthed Michell of record in Vol. 529, Pg. 178, D.R.E.C.T. and a northwest corner of the hareh described track

THENCE, North 80°6/177 East, 1,033.01 feet with the south line of sald 41.08 Acres tract to a 5%-roh ron rod found in the west line of that called 132.62 Acres tract conveyed to Jeny L. Speliers of record in Vol. 662. Po. 337, D.R.E.C.T. and marking a northeast comer of the heren described tract;

THENCE, South 00'06'21' West, 1.159.60 feet with the west line of said 132.32 Acres tract to a 1/2-inch iron rod with cap stamped 'APEX LAND SURVEYING' set marking an Interior corner of the harein described tract;

THENCE, North 69/45/11 East, 2, 048.28 feet with the south line of said 122.82 Acres track to a 1/2-inch iron rod with cap stamped "APEX (AND SURVEYING" set in the west line of that track conveyed to Jerry L. Spellers of record in Vol. 607, Pg. 133, D.R.E.G.T. and a northeast corrier of the herein described track

THENCE, South 01'2000' East, 2680.12 feet with the south line of said Jeny L. Spellers track to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the north R.O.W. line of the alterementioned F.M. Highway \$76 and marking the southeast corner of the herein described tract.

THENCE, with the south R.O.W, line of said F.M. Highway 876 the following eleven  $\left(11\right)$  courses:

1. South 60°13'55" West, 530.00 feet to a 1/2-inch iron roz with cap stamped "APEX LAND SURVEYING" set marking a comer,

2. South \$0'42'11' West, 101.17 feet to a 1/2-nch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner,

3. South 89"14'02" West, 200.00 feet to a 1/2-inch izon rod with cap stamped "APEX LAND SURVEY NG" set marking a corner,

4. North E2\*14'07' West, 101.12 feet to a 1/2-inch iron rod found marking a comer;

5. South 89"14'02" West, 100:00 feet to a 1/2-inch iron rod with cap stamped "AFEX LAND SURVEYING" set marking a corner.

6. South 60\*42\*11" West, 101.12 feet to a 1/2-inch iron rod found marking a corner:

7. South 89' 14'02' West, 1,7 19.39 feet to a 1/2-inch iron rod with cap stamped 'APEX LAND SURVEYING' set marking the beginning of a curve to the right;

5. 305,78 feet with the are of said curve to the right having a rapix of 11,614,16 feet, a central angle of 01'03'00' and a chord that bears North 89'59'28' West, 308,77 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;

9. North 89\*12'85" West, 174.60 feet, to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the left;

10. 327.85 feet with the are of said ourve to the left having a racias of 11,504.10 feet, a central angle of 0115500° and a chord that bears South 6916802° West, 327.84 feet to a 1/2-inoh iron rod with cap stamped "APEX LAND SURVEYING" set marting the end of said curve;

11. South 69'C0'02' West, 220.70 feet to the POINT OF BEGINNING and CONTAINING 344.3 Apres (14,995,913 Sq. Ft.) of land.

A plat of even date accompanies this metes and bounds description.

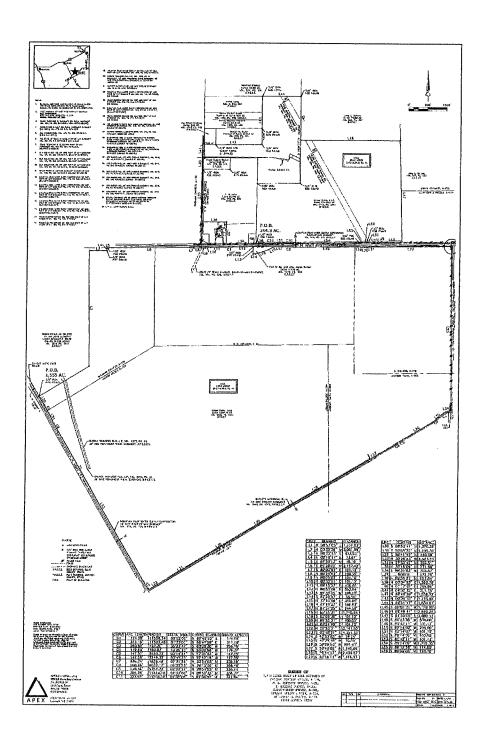
Exhibit "A" - Page 4

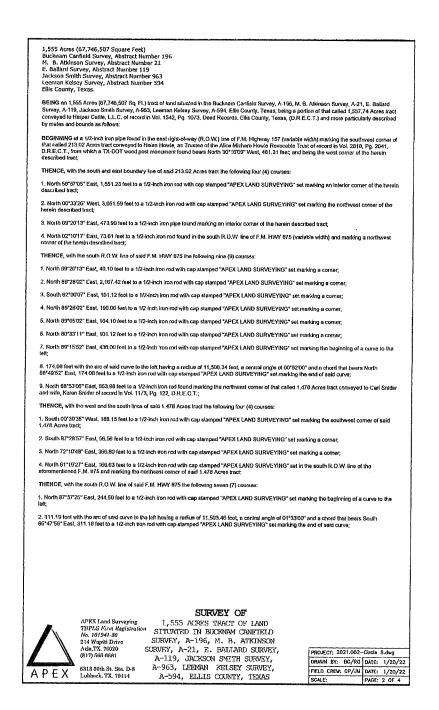
Exhibit B Property Depiction

# [SEE ATTACHED]

4878-7172-0787v.1

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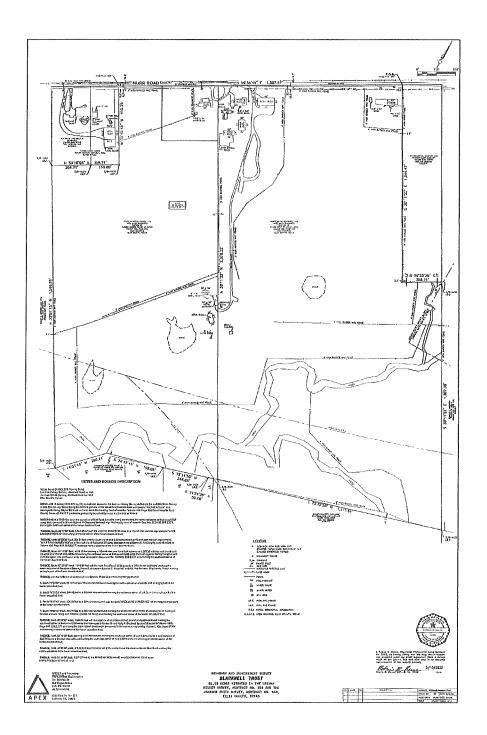


344.3 Acres (14,995,613 Square Feet) Alexander J. Rugely, Abstract Number 924 Bucknam Canfield Survey, Abstract Number 196 Ellis County, Texas. BENG a 34.3 Acros (14,995,81.3 9; FI) test of land elivated in the Alexander J. Rugely Survey, A-924, Bucknam Castleid Survey, A-100, Es's County, Toxas; being a portion of that called 208,5223 Acros start conveyed to Hanper Callia, L.C. of recent in Vol. 1542, Pp. 1081, Deed Records, Elis County, Toxas; Deing a of that called 0.94 Acros start conveyed to E. W. Falls in erous in Vol. 759, Pp. 309, DL EC. To: and all hat called 50.80 Acros kat conveyed to E. W. Falls in erous in Vol. 759, Pp. 309, DL EC. T. and all hat called 50.80 Acros kat conveyed to E. W. Falls in erous in Vol. 759, Pp. 309, DL EC. T. and all hat called B Royce Eugent Bacton of record in Vol. 772, Pp. 255, DR EC. T. and a point of that called 66 873 Acros kat as shown on survey by J. Shawne Walker dated Janzary 11, 2001 and mare particularly described by meters and counts as follow: nolina Io no BEGINANAG at a f72-inch iron rod lound in the north right of-way (2.0.W.) (ine of F.M. Highway 875 (variable widin) marking the southwest comer of said called 208.0252 Acrus tract and the southwast corner of that called 69.748 Acres tract and being a south corner of two herein described tract; THENCE, South 8873900" West, 765.87 feet with the north R.O.W. line of said F.M. Highway 076 to a 172-Inch iron rod with cap stamped "APEX LAND SURVEY/NG" set marking the southwest corner of the herein described tract; THENCE, North, 572.76 feet to a 1/2-inch iron rod with cop starrand "APEX LAND SURVEYING" set marking an interior corner of the herein o THERCE, North 69'59'21' West, 653.64 heet to a 112-inch from rod with cap stamped "APEX LAND SURVEYING" set in the contentine of V V Jones Road (width unknown) set implifing a southwest conner of the herein deexzbed tract; THENCE, North 0073F53\* Fawt, 1,302,79 feel with the centerfum of said V V Junes Road to a 1/2-inch iron rod Journal marking the southwest commer of line afortementioned SCO Across tract; THENCE, North 0117457 East, 289.99 feat continuing with the centerline of said V V Jones Road to a 1/2-inch from rod with cap stamped "APEX LAND St multiling the polytowest corner of said 5.00 Acres tract; THENCE, North 04'50'35' East), 351.78 feet to a 1/2-inch iron rod with cap stamped "APEX LAND GURVEYING" set in the east line of said V Jones Road marking southwest corner of that called 3.01 Acres tract conveyed to Jos Robert Martinez of record in Vel 1342, Pg. 403, DR E.C.T. and a northwest corner of the herein des southw tract; THENCE, North 6014030° East, at 302.44 foot passing a 1/2-hoch hon rod välk cap (Vicebio) marking the southeast conner of said 3.01 Acros wast for a total distance of 1.03022 feet to a 30 finds non rod found marking the southeast conner of that casked 11.937 Acres toot conveyed to Georgia M. Taylor of record in Vot. 873, Pg. 704, D.R.E.C.T. and an inferior conner of the Institut casked lact; THENCE, North COTOFID East, et 426.00 feet passing a 58-incition red found marking the northeast conner of sald 11.957 Acces track for a total dytence of 1,276.05 feet to a 32-buch iron red found in the south line of inal called 41.08 Acces track conveyed to Monted Midhel of record in Vol. 528, Pg 170, D.R.E.C.T. and a northwest corner of the herein described track THENCE, North 80\*5117" East, 1,030.01 (ool with the south line of seld 4) C8 Acces tract to a 5r0-inch from rod found in the west fine of that called 132.82 Acces tract conveyed to Jerry L Spellers of record in Vot 662, Pg. 337, D.R.E.O.T. and marking a northeast corner of the herein described tract; THENCE, South 00'06'21' West, 1, 199,90 (set with the west line of said 132.82 Acres tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking with white comming the been detertioned back; THENCE, North 69\*4641\* East, 2,648.26 fact with the south line of said 132.02 Acros tract to a 1/2-inch fron rod with cap stamped \*APEX LAND SURVEYING\* set in the west line of that tract conveyed to Jeny L. Speters of record in Vol. 607, Pg. 133, D.R.E.C.T. and a northeast corner of the herein described fract; THENCE, South 01/26/00\* East, 2,660.12 feet with the south line of said Jerry L. Spellers trad to a 1/2-inch iron rod with cas stamped "APEX LAND SURVEYING" sol in the north R.O.W. line of the aforementioned F.M. Highway 875 and marking the acutheast corner of the herein described trad; THENCE, with the south R.O.W. fine of said F.M. Highway 875 the following eleven (11) courses 1. South 89" 13'55" West, 530.00 feel to a 172-inchitron roc with cap stamped "APEX LAND SURVEYING" aet may 2. South 80\*42'11" Wast, 101.17 feet to a 1/2-inch from rod with cap stamped "APEX LAND SURVEYING" and marking a corner, 3. South 89"14'02" West, 200.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" sol marking a corner; 4. North 82\*14'07" West, 101.12 feet to a 1/2-inch line rod found marking a comer-5. South 89\*14'02" West, 100.00 feet to a 1/2-linch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner; 6, South 80\*42\*11" West, 101,12 feat to a 1/2-linch iron rod found marking a corner; 7. South 89°14 02" West, 1,719.30 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the right; 8. 308.76 feet with the arc of said curve to the right having a radius of 11,414.16 feet, a central angle of 01'33'00' and a chord that bears North 85' 59'28' West, 308.77 feet to 11/2-linch into rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve; 9. North 89\*1258" West, 174,80 feet to a 1/2-inch kon rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the tell; 10. 327,95 feet with the arm of said outwr to the left having a rackus of 11,504.15 feet, a central angle of 01'3000" and a chord that bears South 09'50'02" West, 327,94 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve; 11. South 69"09"02" West, 220.70 feet to the POINT OF BEGINNING and CONTAINING 344.3 Acres (14,995,813 Sq. FL) of land. A plat of even date accompanies this metes and bounds des I, Rodric R. Reese, Registered Professional Land Surveyor No. 5883, do hereby certify that the map shown hereon was prepared under my direct supervision from a survey made on the ground, and that such map is an accurate representation of the subject property. RODRIC R. REESE Rodric R. Reese, R.P.LS. No. 5883 Dote 5883 Ŷo FESSION APEX Land Surveying TBPLS Firm Registration No. 101941-30 214 Wapiti Drivo Azle,TX, 76020 (817) 666-6681 SURVEY OF 344.3 ACRES TRACT OF TAND SITUATED IN ALEXANDER J. RUGELY, A-924, PROJECT: 2021.002-Circle S.dwg DRAWN BY: BG/RO DATE: 1/20/22 5313 50th St. Ste, D-8 Lubbock, TX. 79414 BUCKNAM CANFIELD SURVEY, A-196, APEX FIELD CREW: CP/JM DATE: 1/20/22

ELLIS COUNTY, TEXAS

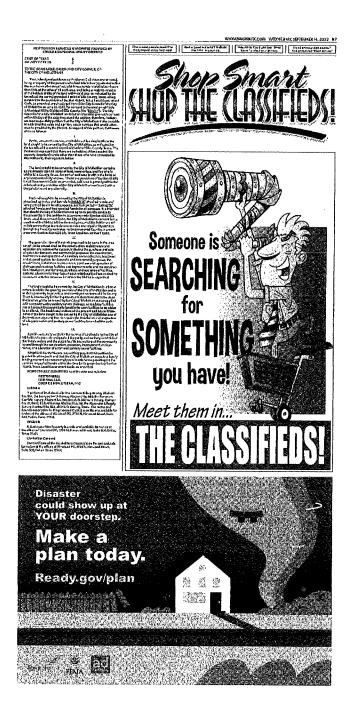
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PAGE: 4 OF 4



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# <u>CERTIFICATE OF POSTING OF</u> <u>PETITION FOR SERVICES OTHERWISE PROVIDED BY</u> <u>CIRCLE S MUNICIPAL UTILITY DISTRICT</u>

# THE STATE OF TEXAS

### COUNTY OF ELLIS

I,  $\underbrace{(Q_1, \subseteq_{A_1 \in \mathcal{R} \leftarrow T_1}, e^{(Q_2, \subseteq_{P_1})^2}}_{i}$ , the undersigned, hereby state that I posted the Petition for Services Otherwise Provided by Circle S Municipal Utility District to the City of Midlothian, attached hereto, each at three locations convenient to the public, within the boundaries of the land proposed to the added to the district, as shown on the map also attached hereto, on the  $\underbrace{S^{++}}_{i}$  day of  $\underbrace{Septenbec}_{i}$ , 2022, at  $\underbrace{2:90}_{i}$ , m.

Signature of Person Posting

Printed Name of Person Posting: <u>W. 64RRE IT WE9P</u>

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