

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 27, 2024

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

Re: Application by Circle S Midlothian, LLC for the creation of Circle S West  
Municipal Utility District of Ellis County (D-10062023-008);  
TCEQ Docket No. 2024-1226-DIS.

Dear Ms. Gharis:

I have enclosed the following copies of documents to be included in the Administrative Record for the above-referenced case as required by 30 Tex. Admin Code § 80.118. The documents included are as follows:

- Petition for Creation
- Metes and Bounds Description
- Executive Director Staff Technical Memorandum
- Temporary Directors' Affidavits
- Notice of District Petition and Territory Map

Sincerely,

A handwritten signature in black ink, appearing to read "Allie Soileau".

Allie Soileau  
Staff Attorney  
Environmental Law Division

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

THE STATE OF TEXAS                   §  
   §  
COUNTY OF ELLIS                   §

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The undersigned petitioner, (herein the “Petitioner”, whether one or more), being a majority of the landowners who hold title to land(s) situated within the area hereinafter described, which represents a total value of more than 50% of the value of all such area, and being a majority in value of the holders of title of said area described by metes and bounds in Exhibit “A” attached hereto (the “Land”), respectfully petitions the Texas Commission on Environmental Quality (“TCEQ”) for the creation of a municipal utility district in 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 “B”. 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.

**II.**

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.

IV.

The District shall contain an area of approximately 584 acres of land, situated wholly 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 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 **Exhibit C**. 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 **Exhibit D**.

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.

## IX.

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.

## X.

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

## XI.

There is a necessity for the improvements described above for the following reasons: The area of the District is urban in nature and is in close proximity to populous and developed sections of 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.

## XII.

Said proposed improvements are practicable and feasible, in that the terrain of the territory to be included in the District is of such a nature that a waterworks, sanitary sewer, drainage, 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 15<sup>th</sup> day of May, 2023

**CIRCLE S MIDLOTHIAN, LLC**

a Texas limited liability company

By: *Rick Miskimon*  
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<sup>th</sup> of May, 2023.



*Lauren Burnett*  
Notary Public, State of Oklahoma

*Expires: 4/9/2024*

**EXHIBIT "A"**  
**Legal Description**

## 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 Howie, as Trustee of the Alice Michero Howie 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 Canfield Survey, Abstract Number 196  
M. B. Atkinson Survey, Abstract Number 21  
E. Ballard Survey, Abstract Number 119  
Jackson Smith Survey, Abstract Number 963  
Leeman Kelsey Survey, Abstract Number 594  
Ellis County, Texas.

BEING an 1,555 Acres (67,746,507 Sq. Ft.) tract of land situated in the Bucknam Canfield Survey, A-196, M. B. Atkinson Survey, A-21, E. Ballard Survey, A-119, Jackson Smith Survey, A-963, Leeman Kelsey Survey, A-594, Ellis County, Texas; being a portion of that called 1,557.74 Acres tract conveyed to Harper Cattle, L.L.C. of record in Vol. 1542, Pg. 1073, Deed Records, Ellis County, Texas, (O.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 Howie, as Trustee of the Alice Michero Howie 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°15'09" 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 described tract;
2. North 00°33'26" 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, 473.90 feet to a 1/2-inch iron pipe found marking an interior corner 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 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 iron rod 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, 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, 196.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
5. North 89°05'02" East, 104.10 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
6. 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, 436.00 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 said curve to the left having a radius of 11,508.34 feet, a central angle of 00°52'00" and a chord that bears North 88°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 88°53'05" East, 563.98 feet to a 1/2-inch iron rod found marking the northwest corner of that called 1.478 Acres tract conveyed to Can Snider and wife, Karen Snider of record in Vol. 1173, Pg. 122, O.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, 168.15 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, 56.56 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
3. North 72°10'49" East, 366.80 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
4. North 61°19'27" East, 166.63 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the south R.O.W. line of the aforementioned F.M. 875 and marking the northeast corner of said 1.478 Acres 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 "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 having a radius of 11,503.46 feet, a central angle of 01°33'00" and a chord that bears South 86°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;



APEX Land Surveying  
TRPLS Firm Registration  
No. 161841-30  
214 Wapiti Drive  
Arlene, TX 76010  
(817) 565-0801

5515 South St. Ste. D-8  
Lubbock, TX 79414

SURVEY OF  
1,555 ACRES TRACT OF LAND  
SITUATED IN BUCKNAM CANFIELD  
SURVEY, A-196, M. B. ATKINSON  
SURVEY, A-21, E. BALLARD SURVEY,  
A-119, JACKSON SMITH SURVEY,  
A-963, LEEMAN KELSEY SURVEY,  
A-594, ELLIS COUNTY, TEXAS

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FIELD CREW: CP/JM	DATE: 1/20/22
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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 corner.

4. South 82°52'38" 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 northeast 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 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. line 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. 260.89 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 60°39'30" 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°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 763.97 feet, a central angle of 13°29'12" 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, 891.45 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 2,610.33 feet, a central angle of 03°14'21" and a chord that bears South 57°31'43" 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;
6. 147.58 feet with the arc of said reverse curve having a radius of 2,349.32 feet, a central angle of 03°14'33" 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, 1,149.69 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°16'11" West, 1,115.93 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 iron 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 (6) courses:

1. 236.34 feet with the arc 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°54'05" West, 236.18 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
2. North 30°26'53" 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 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-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
4. North 27°53'42" 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 5,754.72, a central angle of 02°22'27" and a chord that bears North 29°04'55" West, 238.44 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
6. North 30°16'09" West, 271.80 feet to the POINT OF BEGINNING and CONTAINING 1.555 Acres (67,746,507 Sq. Ft.) of land.

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

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* 1/21/2022  
Rodric R. Reese, R.P.L.S. No. 5883 Date



APEX Land Surveying  
TBPPLS Firm Registration  
No. 101941-30  
214 Wapiti Drive  
Azle, TX 76020  
(817) 565-5581

5515 50th St. Ste. D-8  
Lubbock, TX 79414

**SURVEY OF**  
1.555 ACRES TRACT OF LAND  
SITUATED IN BUCKHAM CANTFIELD  
SURVEY, A-196, M. B. ATKINSON  
SURVEY, A-21, E. BALLARD SURVEY,  
A-119, JACKSON SMITH SURVEY,  
A-963, LEEGRAN KELSEY SURVEY,  
A-594, ELLIS COUNTY, TEXAS

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**Tract 2**

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

BEING a 344.3 Acres (14,995,813 Sq. Ft.) tract of land situated in the Alexander J. Rugely Survey, A-924, Bucknam Canfield Survey, A-196, Ellis County, Texas, being a portion of that called 298.5252 Acres tract conveyed to Marjorie Cattle, L.L.C. of record in Vol. 1542, Pg. 1081, Deed Records, Ellis County, Texas, (D.R.E.C.T.) and a portion of that called 66.748 Acres tract conveyed to E. W. Falls of record in Vol. 768, Pg. 839, D.R.E.C.T. and all that called 5.00 Acres tract conveyed to Royce Eugene Barton of record in Vol. 772, Pg. 255, D.R.E.C.T. and a portion of that called 68.623 Acres tract as shown on survey by J. Sheena Walker dated January 11, 2001 and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found in the north right-of-way (R.O.W.) line of F.M. Highway 875 (variable width) marking the southwest corner of said called 208.5050 Acres tract and the southwest corner of that called 66.748 Acres tract and being a south corner of the herein described tract;

THENCE, South 86°39'03" West, 795.87 feet with the north R.O.W. line of said F.M. Highway 875 to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the southwest corner of the herein described tract;

THENCE, North 67°28'00" East, 1,024.48 feet 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 89°58'21" 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 (width unknown) set marking a southwest corner of the herein described tract;

THENCE, North 00°34'53" East, 1,392.79 feet with the centerline of said V.V. Jones Road to a 1/2-inch iron rod found marking the southwest corner of the aforementioned 5.00 Acres tract;

THENCE, North 01°17'45" East, 208.99 feet continuing with the centerline of said V.V. Jones Road to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the northeast corner of said 5.00 Acres tract;

THENCE, North 04°50'39" East, 351.78 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the east line of said V.V. Jones Road marking the southwest corner of that called 3.01 Acres tract conveyed to Joe Robert Marshall of record in Vol. 1542, Pg. 405, D.R.E.C.T. and a northeast corner of the herein described tract;

THENCE, North 89°40'39" East, at 352.44 feet passing a 1/2-inch iron rod with cap (legible) marking the southeast corner of said 3.01 Acres tract for a total distance of 1,538.22 feet to a 3/8-inch iron rod found marking the southeast corner of that called 11.957 Acres tract conveyed to Georgia M. Taylor of record in Vol. 873, Pg. 704, D.R.E.C.T. and an interior corner of the herein described tract;

THENCE, North 00°08'10" East, at 425.00 feet passing a 5/8-inch iron rod found marking the northeast corner of said 11.957 Acres tract for a total distance of 1,276.95 feet to a 3/8-inch iron rod found in the south line of that called 41.08 Acres tract conveyed to Manfred Mitchell of record in Vol. 529, Pg. 170, D.R.E.C.T. and a northeast corner of the herein described tract;

THENCE, North 89°51'17" East, 1,030.01 feet with the south line of said 41.08 Acres tract to a 5/8-inch iron rod found in the west line of that called 132.82 Acres tract conveyed to Jerry L. Spellers of record in Vol. 662, Pg. 337, D.R.E.C.T. and marking a northeast corner of the herein described tract;

THENCE, South 00°06'21" West, 1,159.90 feet 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 an interior corner of the herein described tract;

THENCE, North 89°48'41" East, 2,649.28 feet with the south line of said 132.82 Acres tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the west line of that tract conveyed to Jerry L. Spellers of record in Vol. 607, Pg. 133, D.R.E.C.T. and a northeast corner of the herein described tract;

THENCE, South 01°20'00" East, 2,680.12 feet with the south line of said Jerry L. Spellers tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the north R.O.W. line of the aforementioned F.M. Highway 875 and marking the southwest corner of the herein described tract;

THENCE, with the south R.O.W. line of said F.M. Highway 875 the following eleven (11) courses:

1. South 89°13'58" West, 530.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
2. South 80°42'11" West, 101.17 feet to a 1/2-inch 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 iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
4. North 80°14'07" West, 101.12 feet to a 1/2-inch iron rod found marking a corner;
5. South 89°14'02" West, 100.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
6. South 80°42'11" West, 101.12 feet to a 1/2-inch iron rod found marking a corner;
7. South 89°14'02" West, 1,719.35 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. 308.78 feet with the arc of said curve to the right having a radius of 11,414.16 feet, a central angle of 0°1'33'00" and a chord that bears North 89°58'25" 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°12'58" West, 174.80 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. 327.95 feet with the arc of said curve to the left having a radius of 11,504.16 feet, a central angle of 0°1'38'00" and a chord that bears South 89°58'02" 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 89°58'02" West, 200.70 feet to the POINT OF BEGINNING and CONTAINING 344.3 Acres (14,995,813 Sq. Ft.) of land.

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

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 1/21/2022  
Rodric R. Reese, R.P.L.S. No. 5883 Date



APEX Land Surveying  
TBP.LS Firm Registration  
No. 161941-30  
214 Wagon Drive  
Aledo, TX 76009  
(817) 855-0581

5515 South St. Ste. D-8  
Lubbock, TX 79416

SURVEY OF  
344.3 ACRES TRACT OF LAND  
SITUATED IN  
ALEXANDER J. RUGELY, A-924,  
BUCKNAM CANFIELD SURVEY, A-196,  
ELLIS COUNTY, TEXAS

PROJECT: 2021-002-Circle 5.dwg	
DRAWN BY: BG/RO	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 Feet)  
Leeman Kelsey Survey, Abstract Number 594  
Jackson Smith Survey, Abstract Number 963  
Elisa County, Texas

**BEGIN** a 92.18 Acres (4,015,275 Sq. Ft.) tract of land situated in the Leeman Kelsey Survey, A-594 and the Jackson Smith Survey A-963, Elisa County, Texas, being the remnant portions of that called First Tract 69 Acres and Second Tract 40 Acres of land conveyed to Henry Wayne Blackwell and wife, Anita Blackwell by deed of record in Volume 486, Page 209, Deed Records, Elisa 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 Mun Road (variable width) and marking the northwest corner of that called 5.00 acres tract conveyed to Shawn Michael McNary and Biliberry Leigh McNary 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°11'02" 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 Donald E. McNary by deed of record in Volume 606, Page 641, D R E C T, marking a northeast corner of the herein described tract.

**THENCE**, South 30°11'02" 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 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. 1633303, D R E C T, and marking the southeast corner of the herein described tract.

**THENCE**, South 72°30'53" West, 1,218.61 feet 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 Cateral C. Sides 567 and 568, Plat Records, Elisa 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 26, 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 28, 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°09'45" West, 286.11 feet to a 3/8-inch iron rod found marking the southwest 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°58'15" West, 1,506.96 feet with the east line of said Crocker tract to a 3/8-inch iron rod found marking the southwest corner of that called 2.00 acres tract conveyed to Clinton D. and Kelly A. Blackwell by deed of record in Volume 1976, Page 547, D R E C T, and being the same corner described in that called 3.4374 acres survey pat by Michael L. Cox dated 6/7/64 and marking a northwest corner of the herein described tract.

**THENCE**, North 59°18'07" East, passing a 3/8-inch iron rod marking the southeast corner of said 2.00 acres for a total distance of 358.71 feet to a 3/8-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°40'48" West, 415.26 feet to a MAG-Nail set in the centerline of the aforementioned Mun 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.



APEX Land Surveying  
TRESP Firm Registration  
No. 161941-30  
214 Wagon Drive  
Azle, TX, 76009  
(817) 546-9081

5515 50th St. Ste. D-5  
Lubbock, TX, 79416

**EXHIBIT “C”**  
**Petition for Consent filed with City**



PETITION FOR CONSENT TO INCLUDE LAND  
IN A MUNICIPAL UTILITY DISTRICT

RECEIVED

THE STATE OF TEXAS       §  
                                     §  
COUNTY OF ELLIS       §

JUN 13 2022

CITY SECRETARY'S OFFICE  
MIDLOTHIAN, TEXAS

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

We, the undersigned landowners (the "Petitioners") 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:

I.

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").

II.

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.

V.

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, systems, plants and enterprises of such additional 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.

IX.

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

X.

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<sup>st</sup> day of June, 2022.

PETITIONERS:

**CIRCLE S MIDLOTHIAN, LLC**

a Texas limited liability company

By: *Rick Miskimon*  
Rick Miskimon, Managing Member

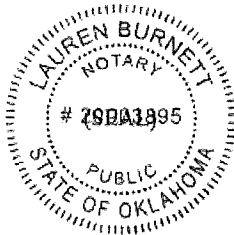
STATE OF OKLAHOMA

§  
§  
§

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 1<sup>st</sup> of June, 2022.



*Lauren Burnett*  
Notary Public, State of Oklahoma  
exp: 9/19/2024

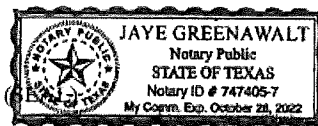
HAB 3336, LLC,  
a Texas limited liability company

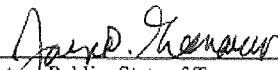
By:   
Name: Clinton Blackwell  
Title: Manager

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.

Given under my hand and seal of office this 8th of June, 2022.



  
Notary Public, State of Texas

Lienholder Consent

STATE OF TEXAS     §  
                              §  
COUNTY OF ELLIS   §

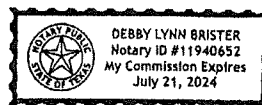
The undersigned being the holder of a lien on all or a portion of the land as described in the Petition for Consent to Include Land in a Municipal Utility District (the "Petition") and to which this certificate is attached, hereby consents to the Petition.

LIENHOLDER:

AgTexas Farm Credit Services,  
as agent/ nominee

By: [Signature]  
Name: Jonathan Kerby  
Title: Vice President/ Branch Manager

STATE OF TEXAS     §  
                              §  
COUNTY OF Johnson §



This instrument was acknowledged before me on this the 9<sup>th</sup> 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.

[Signature]     6/19/22  
Debby Lynn Brister

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

**TRACT 1**

BEING a 92.18 Acres (4,015,275 Sq. Ft.) 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 Blackwell and wife, Anita Blackwell 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 Donald E. McCrary by deed of record in Volume 695, Page 641, D.R.E.C.T. marking a northeast corner 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 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°32'53" 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 corner 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 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, 246.88 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 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 iron rod found marking the southwest corner 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 corner described in that called 3.4374 acres survey plat by Michael L. Cox dated 6/7/04 and marking a northwest corner 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.

## TRACT 2

BEING an 1,555 Acres (87,746,507 Sq. Ft.) tract of land situated in the Bucknam Canfield Survey, A-106, M. B. Atkinson Survey, A-21, E. Ballard Survey, A-110, Jackson Smith Survey, A-903, Leeman Kelsey Survey, A-594, Ellis County, Texas; being a portion of that called 1,557.74 Acres tract conveyed to Harper Cattle, L.L.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 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 Howie, as Trustee of the Alooe Michero Howie 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°18'06" 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 described tract;
2. North 00°33'26" West, 3,051.58 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 corner 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 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 iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
2. North 69°28'02" East, 2,107.42 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
3. South 82°09'07" 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, 100.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
5. North 89°05'02" East, 104.10 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
6. 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, 436.00 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 said curve to the left having a radius of 11,508.34 feet, a central angle of 00°52'00" and a chord that bears North 88°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 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 67°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, 365.80 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
4. North 61°19'27" East, 165.83 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the south R.O.W. line of the aforementioned F.M. 875 and marking the northeast corner of said 1,478 Acres 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 "APEX LAND SURVEYING" set marking the beginning of a curve to the left;
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°33'00" and a chord that bears South 68°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°29'31" East, 1,718.58 feet to a 1/2-inch iron rod with cap 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°29'31" 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°29'31" 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 northeast 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 Norrell Road to a PK Nail set at the intersection with 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. line 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 arc of said curve to the left having a radius of 422.30 feet, a central angle of 35°22'47" and a chord that bears South 80°39'30" 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, 70.60 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°20'12" and a chord that bears South 53°00'58" 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, 881.46 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 03°14'21" and a chord that bears South 87°31'43" 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;
6. 147.58 feet with the arc of said reverse curve having a radius of 2,349.32 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 56°40'05" West, 1,149.69 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
8. South 59°44'12" West, 2,434.67 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
9. South 59°18'11" West, 1,116.03 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 iron 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 (6) courses:

1. 236.34 feet with the arc 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°54'05" West, 236.18 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
2. North 30°28'53" 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. 288.48 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 26°10'26" West, 288.48 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
4. North 27°53'42" 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 6,754.72, a central angle of 02°22'37" 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 curve;
6. North 30°10'00" West, 271.80 feet to the POINT OF BEGINNING and CONTAINING 1,555 Acres (87,746,607 Sq. Ft.) of land.

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

**EXHIBIT “D”**  
**Certificate of Posting Petition for Services in 3 Locations in District**

**CERTIFICATE OF POSTING OF**  
**PETITION FOR SERVICES OTHERWISE PROVIDED BY**  
**CIRCLE S MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS

§

COUNTY OF ELLIS

§

I, W. GARRETT Weep, 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 be added to the district, as shown on the map also attached hereto, on the 8<sup>th</sup> day of September, 2022, at 2:00 p.m.

W. Garrett Weep  
Signature of Person Posting

Printed Name of

Person Posting: W. GARRETT Weep



**EXHIBIT “E”**  
**Affidavit of Publication and Tearsheet for the Notice of Petition**


# AFFIDAVIT OF PUBLICATION


County of Grayson, State of Texas

Waxahachie Daily Light	
310 Water St. Waxahachie, TX 75165	Circle S MUD - 442570

I, the publisher/agent of Herald Democrat of Grayson County, in the State of Texas. States that this newspaper is a qualified newspaper, published and of general circulation in said county, was published in regular edition of said paper, and that the notice of which the annexed is a copy was published on the following dates:

PUBLICATION DATES
09/14/2022

  
Lisa Orfall, Regional Vice President of Sales  
Signed and sworn to before me on 29/9 2022  
this Day Month Year

  
Signature above, NOTARY NAME, Notary Public  
My commission expires: September 7, 2025  
Commission#

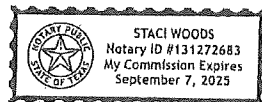
Seal

Publication Fee \$ 247.52

Calculation Measurement

Words	Tab lines	Columns	Insertions
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CherryRoad Media



SA/PA/PS, Twp 23/30/1  
 C/2/2/1 B  
 A depiction of the Property is on file and available for review at  
 the Township of Westland POC, 27708 W. Howard Street, Suite 501, Oakton,  
 Twp 23/30/1  
 Members of the Council  
 The Certificate of the Liebhafner's Consent is on file and available  
 for review at the offices of Westland POC, 27708 W. Howard Street,  
 Suite 501, Oakton, Twp 23/30/1

## THE CLASSIFIEDS!

\_\_\_\_\_

**EXHIBIT “F”**  
**Petition for Services filed with City**



RECEIVED

PETITION FOR SERVICES OTHERWISE PROVIDED BY SEP 30 2022  
CIRCLE S MUNICIPAL UTILITY DISTRICT

STATE OF TEXAS  
COUNTY OF ELLIS

§  
§

CITY SECRETARY'S OFFICE  
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, previously petitioned 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:

I.

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 part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is partially within the extraterritorial jurisdiction of the City of Midlothian and is not within the jurisdiction of any other city.

III.

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

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 served shall be the construction, maintenance and operation of a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; the construction, maintenance and operation of 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 time limits prescribed by Section 42.042, Texas Local Government Code, as amended.

*[signature page follows]*

RESPECTFULLY SUBMITTED as of the date sworn, below.

PETITIONERS:

**CIRCLE S MIDLOTHIAN, LLC**

a Texas limited liability company

By: *Rick Miskimon*  
Rick Miskimon, Managing Member

Approximate acreage owned: 1,899.3 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 23<sup>rd</sup> of August, 2022.



*Lauren Burnett*  
Notary Public, State of Oklahoma  
exp: 4/19/2024

Signature Page – Circle S MUD

HAB 3336, LLC,  
a Texas limited liability company

By *Clinton Blackwell*  
Name: Clinton Blackwell  
Title: Manager

Approximate acreage owned: 92.18 acres

STATE OF TEXAS

§

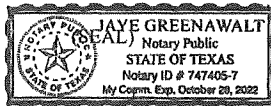
COUNTY OF Dallas

§

§

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.

Given under my hand and seal of office this 25<sup>th</sup> of August, 2022.



*Jaye Greenawalt*  
Notary Public, State of Texas

Signature Page - Circle S MUD

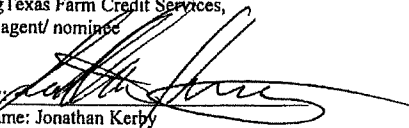
**Lienholder Consent**

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

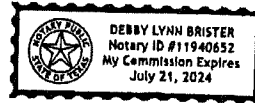
The undersigned being the holder of a lien on all or a portion of the land as described in the Petition for Services Otherwise Provided by Circle S Municipal Utility District (the "Petition") and to which this certificate is attached, hereby consents to the Petition.

**LIENHOLDER:**

AgTexas Farm Credit Services,  
as agent/ nominee

By:   
Name: Jonathan Kerby  
Title: Vice President/ Branch Manager

STATE OF TEXAS       §  
                                  §  
COUNTY OF Johnson §



This instrument was acknowledged before me on this the 24<sup>th</sup> 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.

 8/24/22

*Lienholder Consent – Circle S MUD*

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

**TRACT 1**

BEING a 92.18 Acres (4,015,275 Sq. Ft.) 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 Blackwell and wife, Anita Blackwell 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 Donald E. McCrary by deed of record in Volume 695, Page 641, D.R.E.C.T. marking a northeast corner 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 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°32'53" 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 corner 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 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°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 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, 1,506.96 feet with the east line of said Crocker tract to a 3/8-inch iron rod found marking the southwest corner 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 corner described in that called 3.4374 acres survey plat by Michael L. Cox dated 6/7/04 and marking a northwest corner 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.

## TRACT 2

BEING an 1,555 Acres (87,748,507 Sq. Ft.) tract of land situated in the Bucknam Carfield Survey, A-196, M. B. Atkinson Survey, A-21, E. Ballard Survey, A-110, Jackson Smith Survey, A-963, Leeman Kelsey Survey, A-594, Ellis County, Texas; being a portion of that called 1,657.74 Acres tract conveyed to Harper Cattle, L.L.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 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. 2816, 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 tract;

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

1. North 58°57'06" 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 described tract;
2. North 00°33'28" West, 3,351.59 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 86°20'13" East, 473.90 feet to a 1/2-inch iron pipe found marking an interior corner of the herein described tract;
4. North 02°19'17" East, 73.81 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 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 iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
2. North 89°28'02" East, 2,187.42 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, 166.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
5. North 86°06'02" East, 104.10 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
6. 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 85°16'52" East, 436.00 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. 174.06 feet with the arc of said curve to the left having a radius of 11,508.34 feet, a central angle of 00°53'00" and a chord that bears North 88°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 88°43'05" East, 593.98 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, 185.15 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, 58.66 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
3. North 72°10'46" East, 368.60 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
4. North 61°19'27" East, 168.63 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the south R.O.W. line of the aforementioned F.M. 875 and marking the northeast corner of said 1,478 Acres 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, 244.58 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 having a radius of 11,503.49 feet, a central angle of 01°33'00" and a chord that bears South 88°47'55" 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 86°25'31" East, 1,718.68 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;

4. South 02°02'36" 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, 2,141.59 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 northeast 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 Norrell Road to a PK Nail set at the intersection with 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. line 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. 280.86 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 60°36'30" West, 256.78 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-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°26'12" and a chord that bears South 63°00'56" West, 176.39 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
4. South 59°09'53" 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 left;
5. 147.57 feet with the arc 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, 147.55 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a reverse curve;
6. 147.68 feet with the arc of said reverse curve having a radius of 2,246.32 feet, a central angle of 03°48'33" and a chord that bears South 67°47'16" 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 50°40'05" West, 1,149.69 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°16'11" West, 1,116.03 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°35'20" West, 1,105.39 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
12. South 59°14'43" West, 449.29 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 (6) courses:

1. 236.34 feet with the arc of said curve to the right having a radius of 1,836.48 feet, a central angle of 07°21'58" and a chord that bears North 33°54'05" West, 235.18 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
2. North 30°28'53" 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. 268.49 feet with the arc of said curve to the right having a radius of 8,637.17, a central angle of 02°22'53" and a chord that bears North 26°10'28" West, 269.46 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
4. North 27°53'42" 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. 238.40 feet with the arc of said curve to the left having a radius of 6,754.72, a central angle of 02°22'27" and a chord that bears North 26°04'55" West, 239.44 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
6. North 30°18'06" West, 271.80 feet to the POINT OF BEGINNING and CONTAINING 1.555 Acres (67,746.507 Sq. Ft.) of land.

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



### TRACT 3

BEING a 344.3 Acres (14,995,813 Sq. Ft.) tract of land situated in the Alexander J. Rugely Survey, A-924, Bucknam Camfield Survey, A-108, Ellis County, Texas; being a portion of that called 208.5252 Acres tract conveyed to Harper Caise, L.L.C., of record in Vol. 1542, Pg. 1091, Deed Records, Ellis County, Texas, (D.R.E.C.T.) and a portion of that called 60.748 Acres tract conveyed to E. W. Falls of record in Vol. 715, Pg. 830, D.R.E.C.T. and a) that called 5.00 Acres tract conveyed to Royce Eugene Barton of record in Vol. 772, Pg. 256, D.R.E.C.T. and a portion of that called 28.823 Acres tract as shown on survey by J. Shawne Walker dated January 11, 2001 and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found in the north right-of-way (R.O.W.) line of F.M. Highway 875 (variable width) marking the southwest corner of said called 208.6262 Acres tract and the southeast corner of that called 60.748 Acres tract and being a south corner of the herein described tract;

THENCE, South 88°30'03" West, 795.87 feet with the north R.O.W. line of said F.M. Highway 875 to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the southwest corner of the herein described tract;

THENCE, North, 572.78 feet 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 69°55'21" West, 853.84 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the centerline of V.V. Jones Road (width unknown) set marking a south-west corner of the herein described tract;

THENCE, North 00°34'52" East, 1,382.79 feet with the centerline of said V.V. Jones Road to a 1/2-inch iron rod found marking the southwest corner of the aforementioned 5.00 Acres tract;

THENCE, North 01°17'45" East, 288.89 feet continuing with the centerline of said V.V. Jones Road to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the northwest corner of said 5.00 Acres tract;

THENCE, North 61°50'35" East, 351.78 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the east line of said V.V. Jones Road marking the southwest corner of that called 3.01 Acres tract conveyed to Joe Robert Martinez of record in Vol. 1342, Pg. 403, D.R.E.C.T. and a northwest corner of the herein described tract;

THENCE, North 69°40'36" East, at 202.44 feet passing a 1/2-inch iron rod with cap (illegible) marking the southeast corner of said 3.01 Acres tract for a total distance of 1,635.22 feet to a 3/8-inch iron rod found marking the southeast corner of that called 11.257 Acres tract conveyed to Georgia M. Taylor of record in Vol. 873, Pg. 704, D.R.E.C.T. and an interior corner of the herein described tract;

THENCE, North 00°56'10" East, at 428.00 feet passing a 5/8-inch iron rod found marking the northeast corner of said 11.957 Acres tract for a total distance of 1,278.85 feet to a 3/8-inch iron rod found in the south line of that called 41.08 Acres tract conveyed to Morfied Mitchell of record in Vol. 526, Pg. 170, D.R.E.C.T. and a northwest corner of the herein described tract;

THENCE, North 59°51'17" East, 1,033.61 feet with the south line of said 41.08 Acres tract to a 5/8-inch iron rod found in the west line of that called 132.62 Acres tract conveyed to Jerry L. Spellers of record in Vol. 802, Pg. 337, D.R.E.C.T. and marking a northeast corner of the herein described tract;

THENCE, South 00°56'21" West, 1,150.60 feet with the west line of said 132.62 Acres tract 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 69°45'41" East, 2,848.28 feet with the south line of said 132.62 Acres tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the west line of that tract conveyed to Jerry L. Spellers of record in Vol. 807, Pg. 133, D.R.E.C.T. and a northeast corner of the herein described tract;

THENCE, South 01°20'00" East, 2,680.12 feet with the south line of said Jerry L. Spellers tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the north R.O.W. line of the aforementioned F.M. Highway 875 and marking the southeast corner of the herein described tract;

THENCE, with the south R.O.W. line of said F.M. Highway 875 the following eleven (11) courses:

1. South 80°13'55" West, 530.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
2. South 80°42'11" West, 161.17 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
3. South 85°14'02" West, 200.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
4. North 52°14'07" West, 101.12 feet to a 1/2-inch iron rod found marking a corner;
5. South 85°14'02" West, 100.00 feet to a 1/2-inch iron rod with cap stamped "APEX 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 85°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. 305.78 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 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°12'38" 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 arc of said curve to the left having a radius of 11,604.16 feet, a central angle of 01°58'00" and a chord that bears South 89°58'02" 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°08'02" West, 220.70 feet to the POINT OF BEGINNING and CONTAINING 344.3 Acres (14,995,813 Sq. Ft.) of land.

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

**Exhibit B**  
**Property Depiction**

[SEE ATTACHED]



1,555 Acres (67,746,507 Square Feet)  
Bucknam Canfield Survey, Abstract Number 196  
M. B. Atkinson Survey, Abstract Number 21  
E. Ballard Survey, Abstract Number 119  
Jackson Smith Survey, Abstract Number 963  
Leeman Kelsey Survey, Abstract Number 594  
Ellis County, Texas.

BEING an 1,555 Acres (67,746,507 Sq. Ft.) tract of land situated in the Bucknam Canfield Survey, A-196, M. B. Atkinson Survey, A-21, E. Ballard Survey, A-119, Jackson Smith Survey, A-963, Leeman Kelsey Survey, A-594, Ellis County, Texas; being a portion of that called 1,557.74 Acres tract conveyed to Harper Cattle, L.L.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 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 Hoven Howie, as Trustee of the Alice Micharo Howie 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°50'09" 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 50°50'05" 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 described tract;
2. North 00°33'26" 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, 473.90 feet to a 1/2-inch iron pipe found marking an interior corner 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 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 iron rod 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, 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, 190.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
5. North 89°05'02" East, 104.10 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
6. 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, 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 said curve to the left having a radius of 11,506.34 feet, a central angle of 00°52'00" and a chord that bears North 88°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 88°53'06" East, 563.98 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. 1118, 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, 56.56 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
3. North 72°10'48" East, 396.80 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
4. North 61°10'27" East, 166.63 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the south R.O.W. line of the aforementioned F.M. 875 and marking the northeast corner of said 1.478 Acres 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 "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 having a radius of 11,503.46 feet, a central angle of 01°33'00" and a chord that bears South 86°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;



APXX Land Surveying  
TBPIS Firm Registration  
No. 101241-80  
214 Wapiti Drive  
Azle, TX 76020  
(817) 668-6681

8818 60th St. Ste. D-8  
Lubbock, TX 79414

#### SURVEY OF

1,555 ACRES TRACT OF LAND  
SITUATED IN BUCKNAM CANFIELD  
SURVEY, A-196, M. B. ATKINSON  
SURVEY, A-21, E. BALLARD SURVEY,  
A-119, JACKSON SMITH SURVEY,  
A-963, LEEMAN KELSEY SURVEY,  
A-594, ELLIS COUNTY, TEXAS

PROJECT: 2021.002-Circle 5.dwg	
DRAWN BY: BG/RO	DATE: 1/20/22
FIELD CREW: GP/JM	DATE: 1/20/22
SCALE:	PAGE: 2 OF 4

3. North 69°25'31" East, 1,719.58 feet to a 1/2-inch iron rod with cap 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;
6. North 60°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 69°25'31" East, 2,141.60 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 northeast corner of the herein described tract;

THENCE, South 00°16'21" 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 line 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. line 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. 260.89 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 60°39'30" 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-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the beginning of a curve to the right;
3. 179.60 feet with the arc of said curve to the right having a radius of 763.87 feet, a central angle of 13°20'12" 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 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 2,610.33 feet, a central angle of 03°14'21" and a chord that bears South 57°31'43" 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;
6. 147.58 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 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, 1,149.69 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°16'11" 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 iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
12. South 59°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 (6) courses:

1. 236.34 feet with the arc 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°54'05" West, 236.18 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
2. North 30°25'53" 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. 269.48 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, 269.46 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
4. North 27°53'42" 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 5,754.72, a central angle of 02°22'27" and a chord that bears North 29°04'55" West, 238.44 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
6. North 30°15'09" West, 271.80 feet to the POINT OF BEGINNING and CONTAINING 1,555 Acres (67,746,507 Sq. Ft.) of land.

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

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* 1/21/2022  
Rodric R. Reese, R.P.L.S. No. 5883 Date



APEX Land Surveying  
THPLS Firm Registration  
No. 101941-30  
214 Wapiti Drive  
Able, TX 76009  
(817) 565-0681  
5313 60th St. Ste. D-8  
Lubbock, TX 79414

**SURVEY OF**  
1,555 ACRES TRACT OF LAND  
SITUATED IN BUCKNAM CANEFIELD  
SURVEY, A-196, M. B. ATKINSON  
SURVEY, A-21, E. BALLARD SURVEY,  
A-119, JACKSON SMITH SURVEY,  
A-963, LEE MAN KELSEY SURVEY,  
A-594, ELLIS COUNTY, TEXAS

PROJECT: 2021.002-Circle S.dwg	
DRAWN BY: BG/RO	DATE: 1/20/22
FIELD CREW: CP/JN	DATE: 1/20/22
SCALE:	PAGE: 3 OF 4

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

BEING a 344.3 Acres (14,995,813 Sq. Ft.) tract of land situated in the Alexander J. Rugely Survey, A-924, Bucknam Canfield Survey, A-196, Ellis County, Texas; being a portion of that called 208.5252 Acres tract conveyed to Harper Cattle, L.L.C. of record in Vol. 1542, Pg. 1081, Deed Records, Ellis County, Texas, (D.R.E.C.T.) and a portion of that called 59.748 Acres tract conveyed to E. W. Falls of record in Vol. 788, Pg. 839, D.R.E.C.T. and all that called 5.00 Acres tract conveyed to Royce Eugene Barton of record in Vol. 772, Pg. 255, D.R.E.C.T. and a portion of that called 58.673 Acres tract as shown on survey by J. Shawne Wilkier dated January 11, 2001 and more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found in the north right-of-way (R.O.W.) line of F.M. Highway 875 (variable width) marking the southwest corner of said called 208.5252 Acres tract and the southeast corner of that called 59.748 Acres tract and being a south corner of the herein described tract;

THENCE, South 88°30'00" West, 795.87 feet with the north R.O.W. line of said F.M. Highway 875 to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the southwest corner of the herein described tract;

THENCE, North, 872.76 feet 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 89°58'21" 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 (width unknown) set marking a southwest corner of the herein described tract;

THENCE, North 30°34'53" East, 1,307.79 feet with the centerline of said V.V. Jones Road to a 1/2-inch iron rod found marking the southwest corner of the aforementioned 5.00 Acres tract;

THENCE, North 01°17'45" East, 289.89 feet continuing with the centerline of said V.V. Jones Road to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the northeast 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 SURVEYING" set in the east line of said V.V. Jones Road marking the southwest corner of that called 3.01 Acres tract conveyed to Jose Robert Martinez of record in Vol. 1342, Pg. 403, D.R.E.C.T. and a northwest corner of the herein described tract;

THENCE, North 69°40'30" East, at 302.44 feet passing a 1/2-inch iron rod with cap (if visible) marking the southeast corner of said 3.01 Acres tract for a total distance of 1,538.22 feet to a 3/8-inch iron rod found marking the southeast corner of that called 11.957 Acres tract conveyed to George M. Taylor of record in Vol. 873, Pg. 704, D.R.E.C.T. and an interior corner of the herein described tract;

THENCE, North 00°00'10" East, at 428.00 feet passing a 5/8-inch iron rod found marking the northeast corner of said 11.957 Acres tract for a total distance of 1,270.95 feet to a 3/8-inch iron rod found in the south line of that called 41.08 Acres tract conveyed to Montford Michael of record in Vol. 539, Pg. 170, D.R.E.C.T. and a northwest corner of the herein described tract;

THENCE, North 89°51'17" East, 1,630.04 feet with the south line of said 41.08 Acres tract to a 5/8-inch iron rod found in the west line of that called 137.82 Acres tract conveyed to Jerry L. Spellers of record in Vol. 662, Pg. 337, D.R.E.C.T. and marking a northeast corner of the herein described tract;

THENCE, South 00°00'21" West, 1,159.80 feet with the west line of said 137.82 Acres tract 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 89°49'41" East, 2,649.28 feet with the south line of said 137.82 Acres tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the west line of that tract conveyed to Jerry L. Spellers of record in Vol. 607, Pg. 133, D.R.E.C.T. and a northeast corner of the herein described tract;

THENCE, South 01°20'00" East, 2,660.12 feet with the south line of said Jerry L. Spellers tract to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set in the north R.O.W. line of the aforementioned F.M. Highway 875 and marking the southeast corner of the herein described tract;

THENCE, with the south R.O.W. line of said F.M. Highway 875 the following eleven (11) courses:

1. South 89°13'55" West, 530.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
2. South 80°42'11" West, 101.17 feet to a 1/2-inch 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 iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
4. North 82°14'07" West, 101.12 feet to a 1/2-inch iron rod found marking a corner;
5. South 89°14'02" West, 100.00 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking a corner;
6. South 80°42'11" West, 101.12 feet to a 1/2-inch 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. 308.78 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 89°09'28" 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°12'58" West, 174.80 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 arc of said curve to the left having a radius of 11,504.16 feet, a central angle of 01°38'00" and a chord that bears South 89°50'02" West, 327.84 feet to a 1/2-inch iron rod with cap stamped "APEX LAND SURVEYING" set marking the end of said curve;
11. South 89°09'02" West, 220.70 feet to the POINT OF BEGINNING and CONTAINING 344.3 Acres (14,995,813 Sq. Ft.) of land.

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

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 1/21/2022  
Rodric R. Reese, R.P.L.S. No. 5883 Date



APRX Land Surveying  
TBPLS Firm Registration  
No. 101841-30  
214 Wapiti Drive  
Arlene, TX 76010  
(817) 665-6681

5913 60th St. Ste. D-8  
Lubbock, TX 79414

SURVEY OF  
344.3 ACRES TRACT OF LAND  
SITUATED IN  
ALEXANDER J. RUGELY, A-924,  
BUCKNAM CANFIELD SURVEY, A-196,  
ELLIS COUNTY, TEXAS

PROJECT: 2021.002-Circle S.dwg	
DRAWN BY: BG/RO	DATE: 1/20/22
FIELD CREW: GP/JN	DATE: 1/20/22
SCALE:	PAGE: 4 OF 4




# AFFIDAVIT OF PUBLICATION


County of Grayson, State of Texas

Waxahachie Daily Light	
310 Water St. Waxahachie, TX 75165	Circle S MUD - 442570

I, the publisher/agent of Herald Democrat of Grayson County, in the State of Texas. States that this newspaper is a qualified newspaper, published and of general circulation in said county, was published in regular edition of said paper, and that the notice of which the annexed is a copy was published on the following dates:

PUBLICATION DATES
09/14/2022

  
Lisa Duffall, Regional Vice President of Sales  
Signed and sworn to before me on 29 / 9 / 2022  
this Day Month Year

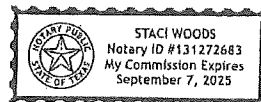
  
Signature above, NOTARY NAME, Notary Public  
My commission expires: September 7, 2025  
Commission#

Seal

Publication Fee \$ 247.62

Calculation Measurement			
Words	Tab lines	Columns	Insertions

CherryRoad Media





**Available in**  
A discussion of this Property is on file and available for review at  
the offices of the State of Texas, 279946, Harwood Street, Suite 903, Dallas,  
Texas 75245.

**Unpublished Comment**  
The Commission of the United States Congress is on file and available  
for review at the offices of the State of Texas, 279946, Harwood Street,  
Suite 903, Dallas, Texas 75245.



**CERTIFICATE OF POSTING OF**  
**PETITION FOR SERVICES OTHERWISE PROVIDED BY**  
**CIRCLE S MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS

§

COUNTY OF ELLIS

§

I, W. GARRETT Weep, 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 be added to the district, as shown on the map also attached hereto, on the 8<sup>th</sup> day of September, 2022, at 2:00 p.m.

W. Garrett Weep  
Signature of Person Posting

Printed Name of

Person Posting: W. GARRETT Weep



**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.

# Texas Commission on Environmental Quality

## TECHNICAL MEMORANDUM

**To:** Justin P. Taack, Manager *for* *6/28/2024*  
Districts Section

**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 Circle S West Municipal Utility District of Ellis County; Pursuant to Texas Water Code Chapters 49 and 54. TCEQ Internal Control No. D-10062023-008 (TC)  
CN: 606189207 RN: 111823233

### A. GENERAL INFORMATION

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 extraterritorial 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 120-day period for reaching a mutually agreeable contract as established by TWC Section 54.016(c) expired and the information provided indicates that the Petitioner and the City have not executed a mutually agreeable contract for service. Pursuant to TWC Section 54.016(d), failure to execute such an agreement constitutes authorization for the 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  
Richard Howard

Katie May  
Kristin Dunn

Zachary Willeford

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, a county adjacent to the county in which the proposed District is located, or if the



proposed District is located in a county that is in a metropolitan statistical area designated by the United States Office of Management and Budget or its successor agency, a county in the same metropolitan statistical area as the county in which the proposed District is located.

#### Notice Requirements

Proper notice of the application was published on 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

	District's <sup>(1)</sup> <u>Share</u>
<u>CONSTRUCTION COSTS</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)	<u>3,926,648</u>
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)	<u>760,804</u>
Total District Items	\$ 9,579,645
 TOTAL CONSTRUCTION COSTS (76.21% of Bond Issue Requirement)	 \$ 56,699,422
<u>NONCONSTRUCTION COSTS</u>	
A. Legal Fees	\$ 1,860,000
B. Fiscal Agent Fees	1,488,000
C. Interest	
1. Capitalized Interest (24 months at 4%)	5,952,000
2. Developer Interest	4,535,954
D. Bond Discount (3%)	2,232,000
E. Creation Costs	125,000
F. Bond Issuance Expenses	447,224
G. Bond Application Report Costs	550,000
H. Operating Expenses	250,000
I. Attorney General Fee (0.10%)	74,400
J. TCEQ Bond Issuance Fee (0.25%)	<u>186,000</u>
TOTAL NONCONSTRUCTION COSTS	\$ 17,700,578
 TOTAL BOND ISSUE REQUIREMENT	 \$ 74,400,000

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

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

## **ROADS**

	District's <sup>(1)</sup> <u>Share</u>
<b><u>CONSTRUCTION COSTS</u></b>	
A. Roads	\$ 17,720,533
B. Contingencies	1,772,053
C. Engineering	550,000
D. Land Acquisition for ROW	<u>1,772,053</u>
TOTAL CONSTRUCTION COSTS (76.81% of Bond Issue Requirement)	\$ 21,814,639
<b><u>NONCONSTRUCTION COSTS</u></b>	
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%)	<u>28,400</u>
TOTAL NONCONSTRUCTION COSTS	\$ 6,585,361
<b>TOTAL BOND ISSUE REQUIREMENT</b>	<b>\$ 28,400,000</b>
<b>TOTAL BOND ISSUE REQUIREMENT (W, WW, D and Roads)</b>	<b>\$ 102,800,000</b>

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

A preliminary layout of roads proposed for funding has been provided, and they appear to benefit the 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
<b>TOTAL AV</b>			<b>\$931,500,000</b>

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:

<u>Taxing Jurisdiction</u>	<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. RECOMMENDATIONS**

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  
Richard Howard

Katie May  
Kristin Dunn

Zachary Willeford

**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.

## 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 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.



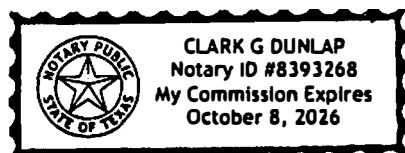
Zachary Willeford

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).

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.

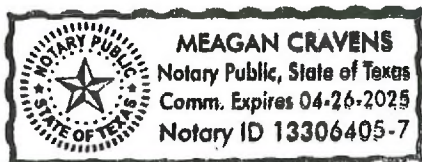
11. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality and I will fully cooperate with said Commission.

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.

  
Brayden DeBorde

SWORN TO AND SUBSCRIBED BEFORE ME this 13 day of <sup>June</sup>~~May~~, 2023.



(NOTARY SEAL)

  
Notary Public in and for  
The State of Texas

**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 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.

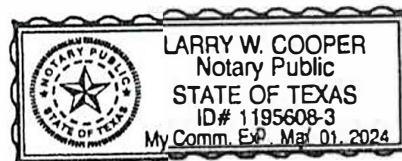
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly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

  
Katie May

SWORN TO AND SUBSCRIBED BEFORE ME this 10th 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 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).



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.

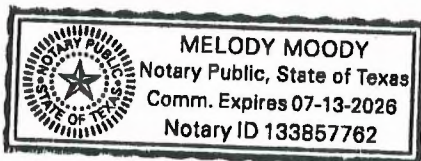
11. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality and I will fully cooperate with said Commission.

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.

  
Richard Howard

SWORN TO AND SUBSCRIBED BEFORE ME this 30 day of June, 2023.



(NOTARY SEAL)

  
Notary Public in and for  
The State of Texas

**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 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.

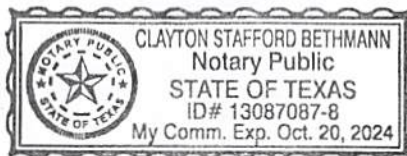
11. I am aware that the District will be subject to the continuing supervision of the Texas Commission on Environmental Quality and I will fully cooperate with said Commission.

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.

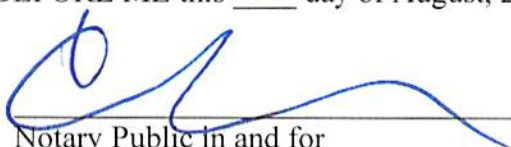
13. I hereby affirm that, if appointed, I will faithfully execute the duties of the office of Director of the District and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States, and of the State of Texas; and I hereby affirm that I have not directly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

  
Kristin Dunn

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



**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.

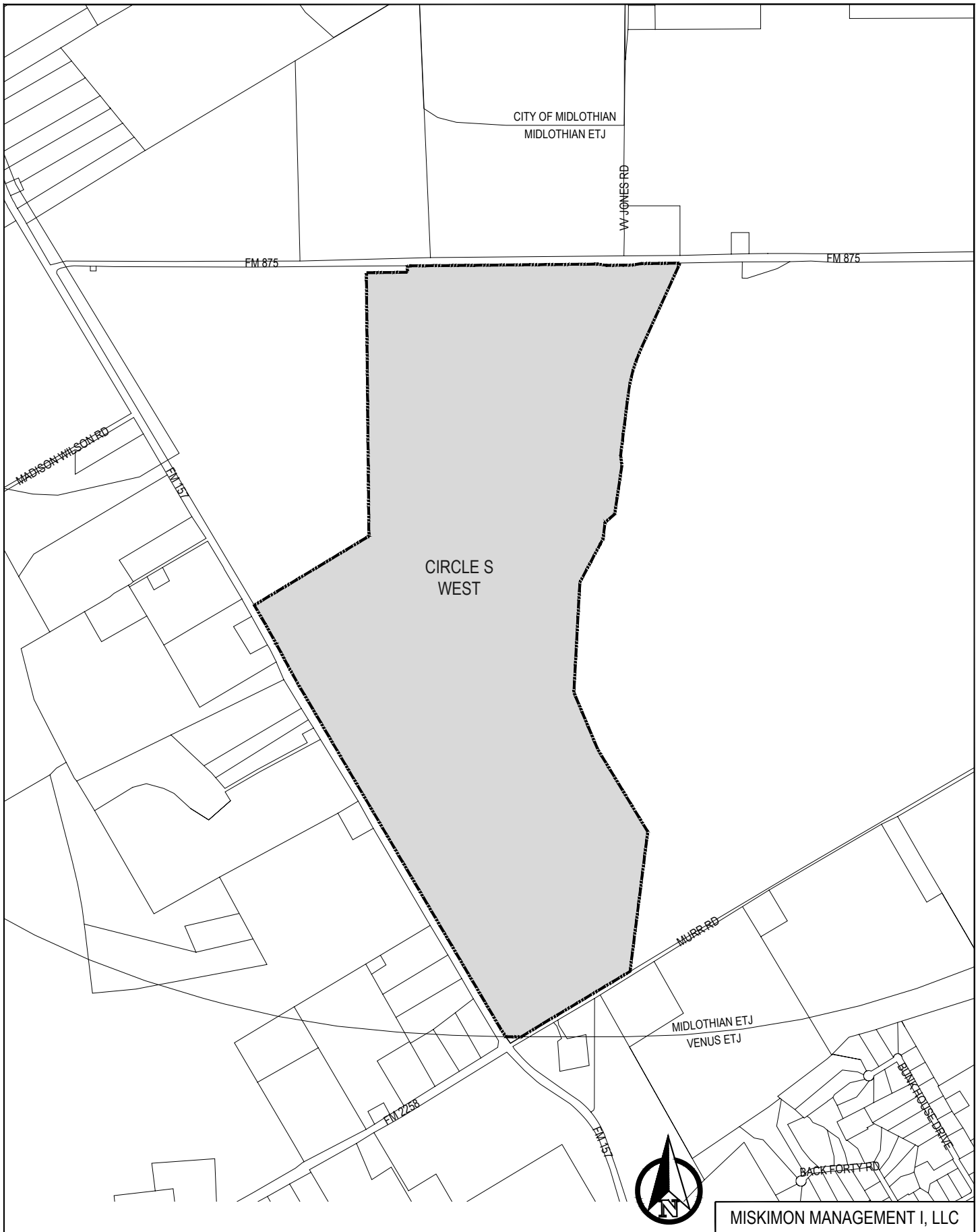
**CONTESTED CASE HEARING.** The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice.

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 <http://www.tceq.texas.gov/>.

Issued: February 14, 2024



SHEET: 1 OF 1	SCALE: 1" = 1000'	DATE: 04/26/2023	CIRCLE S WEST LOCATION MAP	MISKIMON MANAGEMENT I, LLC 5940 S. WEST MCGEE CREEK RD. LANE, OK 74555 TBPE FIRM NO. F-22396
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