

PETITION FOR CONSENT TO ADDITION OF LAND
TO A MUNICIPAL UTILITY DISTRICT

THE STATE OF TEXAS §

COUNTY OF KAUFMAN §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FORNEY,
TEXAS:

The undersigned, CLAUDE AND GENE PREWITT TRUST (the "Owner"), acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code, and Section 42.0425 of the Texas Local Government Code, respectfully petitions the City of Forney, Texas for its consent to the addition of land to Las Lomas Municipal Utility District No. 4B of Kaufman County (the "District"), and in support of this Petition would respectfully show the following:

I.

The approximately 50 acres sought to be added to the District (the "Tract") is described by metes and bounds in Exhibit "A," attached hereto and made a part hereof for all purposes.

II.

The Tract lies within Kaufman County, and not within the boundaries of any incorporated city or town. The Tracts lies within the exclusive extraterritorial jurisdiction of the City of Forney, Texas, as such term is determined pursuant to Chapter 42 V.T.C.A. Local Government Code.

III.

The Owner is the owner of a majority of taxable value in the Tract as shown by the Kaufman County Tax Rolls and conveyances of record. The Owner is currently under contract to sell the Tract to a buyer who intends to develop the Tract. There are no lienholders on the Tract.

IV.

Las Lomas Municipal Utility District No. 4 of Kaufman County (the "Original District") was heretofore duly created pursuant to Senate Bill No. 1894, 79th Texas Legislature, Regular Session, codified at Chapter 8138, Texas Special District Local Laws Code, effective June 18, 2005, as a conservation and reclamation district created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, of the Texas Constitution and operating pursuant to Chapters 49 and 54 of the Texas Water Code, as amended. At an election held on November 6, 2018, the voters of the Original District properly voted to subdivide the Original District into Las Lomas Municipal Utility District No. 4A of Kaufman County, the District, and Las Lomas Municipal Utility District No. 4C of Kaufman County. The District generally is empowered and authorized to purchase, construct, acquire, own, operate, maintain,

repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the Tract at the present time is the construction, maintenance and operation of a waterworks system for residential and commercial purposes; the construction, maintenance and operation of a sanitary sewer collection system and sewage disposal plant; the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the lands to be included within the District; and the construction of roads and of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Tract is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer and drainage facilities and roads. The health and welfare of the future inhabitants of the Tract requires the acquisition and installation of an adequate waterworks, sanitary sewer and storm drainage system and roads. The purchase, construction, extension, improvement, maintenance and operation of such waterworks system and storm and sanitary sewer collection and disposal systems and roads will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Tract within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Tract is of such a nature that a waterworks system and sanitary and storm sewer systems and roads can be constructed at a reasonable cost; and said land will be rapidly developed for residential purposes.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Tract, and it is now estimated by the Owner, from such information as it has at this time, that the ultimate cost of the development contemplated will be approximately \$5,100,000.00.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Forney, Texas, adopt a resolution giving its written consent to the addition of the Tract to the District.

[SIGNATURES ON THE FOLLOWING PAGES]

RESPECTFULLY SUBMITTED, this 22nd day of September, 2022.

OWNER:

CLAUDE AND GENE PREWITT TRUST

By: *CW Prewitt*
Name: Claude Wade Prewitt, III
Title: Trustee

THE STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

This instrument was acknowledged before me on this the 22nd day of September, 2022, by Claude Wade Prewitt, III, Trustee of the Claude and Gene Prewitt Trust, on behalf of said trust.



(SEAL)

Jason G. Smith
Notary Public in and for the
State of Texas

EXHIBIT "A" to Petition for Consent
Description of Annexation Tract

BEING a tract situated in the L. Pearce survey, abstract number 373, Kaufman County, Texas, being the tract described in the deed to the Claude and Gene Prewitt Trust, recorded in document number 2175-333, Official Public Records, Kaufman County, Texas, together with the tract described in the quitclaim deed to Claude W. Prewitt and Carroll Gene Prewitt, recorded in Volume 2175, Page 332, Official Public Records, Kaufman County, Texas (O.P.R.K.C.T), the subject tract being more particularly described as follows (bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983 (NAD '83)):

BEGINNING at the northwest corner of said Prewitt Trust tract, lying in the asphalt pavement of Helms Trail, and from which a 1/2 inch rebar found on line bears SOUTH 45 degrees 18 minutes 14 seconds EAST, 20.00 feet;

THENCE with the northwest line of said Prewitt Trust tract, within said Helms Trail, NORTH 44 degrees 05 minutes 05 seconds EAST, a distance of 1,123.64 feet to the northeast corner of said Prewitt Trust tract, from which a 1/2 inch rebar found on line bears SOUTH 45 degrees 19 minutes 43 seconds EAST, 26.91 feet;

THENCE with the northeast line of said Prewitt Trust tract, SOUTH 45 degrees 19 minutes 43 seconds EAST, passing said 1/2 inch rebar at 26.91 feet, passing the northernmost corner of the Prewitt tract described in said quitclaim deed, continuing for a total distance of 1,969.83 feet to a 1/2 inch rebar found at the easternmost corner of said Prewitt tract described in said Quitclaim deed;

THENCE with the southeast line of said quitclaim deed, the following calls:

1. SOUTH 44 degrees 11 minutes 07 seconds WEST, a distance of 16.81 feet;
2. SOUTH 44 degrees 03 minutes 16 seconds WEST, a distance of 387.57 feet;
3. SOUTH 44 degrees 26 minutes 23 seconds WEST, passing at a distance of 521.16 feet a 1/2 inch rebar found at the common northwest corner of Lots 12 and 13, Emerald Ranch Estates, an addition in Kaufman County, Texas, according to the plat recorded in Volume 2, Page 464, Plat Records, Kaufman County, Texas, continuing for a total distance of 575.89 feet;
4. SOUTH 44 degrees 23 minutes 52 seconds WEST, a distance of 144.19 feet to the southernmost corner of said Prewitt tract described in said quitclaim deed, from which a 3/8 inch rebar found on line at the westernmost corner of said Prewitt tract described in said quitclaim deed bears NORTH 45 degrees 18 minutes 14 seconds WEST, 6.81 feet;

THENCE with the southwest line of said quitclaim deed, passing said 3/8 inch rebar at 6.81 feet, continuing with the southwest line of said Prewitt Trust tract, passing at a distance of 1,945.66 feet a 1/2 inch rebar, continuing for a total distance of 1,965.66 feet, returning to the **POINT OF BEGINNING** and enclosing 50.796 acres (2,212,658 square feet) of land, more or less.