

# A Resolution

NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS CONSENTING TO THE ADDITION OF 489 ACRES OF LAND BY BROOKFIELD FRESH WATER SUPPLY DISTRICT NO. 1; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 49.301 of the Texas Water Code, as amended, Strader Family Limited Partnership; FST Curtis Family, LP; FST Nancy Family LP; and FST RICHARD FAMILY, LP (collectively, the “Landowner”) has petitioned the City of Fort Worth for consent for the addition of approximately 489.816 acres of land (the “Property”) to the boundaries of Brookfield Fresh Water Supply District No. 1; and

**WHEREAS**, the Property is located within the extraterritorial jurisdiction of the City of Fort Worth, Texas (the “City”); and

**WHEREAS**, Section 42.0425 of the Texas Local Government Code requires that a political subdivision such as the District may not add land that is located in the extraterritorial jurisdiction of a municipality unless the governing body of the municipality gives its written consent by ordinance or resolution; and

**WHEREAS**, the District has provided the City with a copy of the Landowner’s petition for the addition of the Property to the District and requested that the City provide a consent resolution evidencing the City’s consent to such addition of the Property to the District;

**WHEREAS**, the City Council finds that it is in the public interest to grant consent to the addition of the Property to the District, taking into consideration the public health, safety and general welfare;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

Section 1. Subject to the conditions set forth in Section 3 below, the City hereby consents to the addition of the Property to the District, in accordance with the Landowner’s petition to the City for such addition. A copy of the Landowner’s petition, including the legal description of the Property, is attached hereto and incorporated herein by reference as Exhibits “A” and “B”.

Section 2. The consent of the City to the addition of the Property to the District does not in any way release the Property from the extraterritorial jurisdiction of the City.

Section 3. The City's consent to the addition of the Property to the District is contingent upon the successful re-negotiation and execution of any development agreement or other agreements with the City, including creation and operation agreements and utility agreements, if applicable.

Section 4. The terms and provisions of this Resolution shall be deemed to be severable and if the validity of any section, subsection, sentence, clause, or phrase of this Resolution should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Resolution.

Section 5. This Resolution shall take effect immediately upon its passage.

Adopted this 15th day of June 2021.

ATTEST:

By: \_\_\_\_\_  
Mary Kayser, City Secretary

**Resolution Exhibit A**

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND INTO BROOKFIELD FRESH WATER SUPPLY DISTRICT NO. 1**

STATE OF TEXAS                   §  
  §  
COUNTY OF DENTON           §

TO THE HONORABLE MAYOR AND  
CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

**FST CURTIS FAMILY, LP; FST NANCY FAMILY LP; and FST RICHARD FAMILY, LP**, being the holder of title to all of, and therefore, a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Denton County, Texas (“Landowners” or “Petitioners”), acting pursuant to the provisions of the Section 42.045, Texas Local Government Code, as amended, respectfully petition for consent to include additional land in Brookfield Fresh Water Supply District No. 1 (the “District”). In support of this petition, Petitioners show as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, and Chapters 49, 51 and, for limited purposes, 53, Texas Water Code, as amended. Landowner is the sole owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Denton County, Texas. Landowner represents and warrants that there are no holders of liens against said land.

II.

The land sought to be added to the District contains approximately 407.409 acres of land, more or less, as described in Exhibit “A”, attached hereto and incorporated herein by reference, and lies wholly within Denton County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is within the extraterritorial jurisdiction of the City of Fort Worth and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal, domestic and commercial purposes;

- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
- (3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area; and
- (4) the construction, operation and maintenance of roads serving the District.

IV.

The area of the District is urban in nature, is near the growing environs of the City of Fort Worth, and is in close proximity to populous and developed sections of Denton County. There is a necessity for the improvements described above because the land sought to be added to the District is not supplied with adequate water, sanitary sewer, drainage or road 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 District, the land sought to be added to the District, and of the territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, drainage and road facilities for the land sought to be added to the District.

V.

A public necessity exists for the addition of said lands to the District 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, sanitary sewer, drainage and road facilities.

WHEREFORE, Petitioners respectfully pray that this petition be granted in all respects and that the City of Fort Worth give its consent to the annexation of the aforesaid land into said District.

*[Remainder of Page Intentionally Blank]*

IN WITNESS WHEREFORE, Petitioners have executed this Petition on this the 8<sup>th</sup> day of April, 2021.

Landowner

FST CURTIS FAMILY LP  
a Texas limited partnership

By: FST 2020, LLC, General Partner  
By: Edward C Tally III  
Name: Edward C Tally III  
Title: Manager

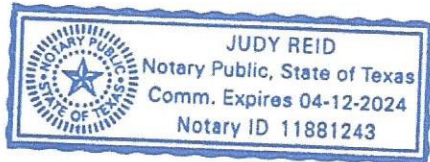
THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on April 8, 2021, by Edward C Tally III, Manager, of General Partner of FST Curtis Family LP, on behalf of said limited partnership.

(NOTARY SEAL)

Judy Reid  
Notary Public in and for the State of Texas



Landowner

FST NANCY FAMILY LP

a Texas limited partnership

By: FST 2020, LLC, General Partner

By: Edward C Tally III

Name: Edward C Tally III

Title: Manager

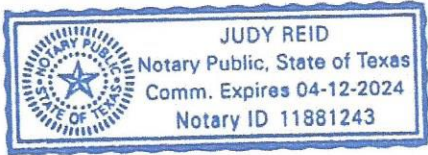
THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on April 8, 2021, by Edward C Tally III, Manager of General Partner of FST Nancy Family LP, on behalf of said limited partnership.

(NOTARY SEAL)

Judy Reid  
Notary Public in and for the State of Texas



Landowner

FST RICHARD FAMILY LP

a Texas limited partnership

By: FST 2020, LLC, General Partner

By: Edward C Tally III

Name: Edward C Tally, III

Title: Manager

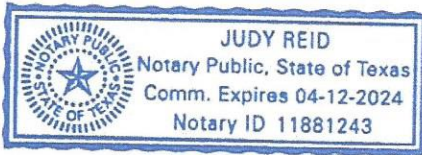
THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on April 8, 2021, by Edward C Tally, III, Manager of General Partner of FST Richard Family LP, on behalf of said limited partnership.

(NOTARY SEAL)

Judy Reid  
Notary Public in and for the State of Texas



## EXHIBIT "A"

BEING a tract of land situated in the William C. Hallmark Survey, Abstract Number 518, Denton County, Texas, and being all of those certain tracts (Second Tract, Third Tract and Fourth Tract) and a portion of those certain tracts (First tracts and Fifth Tract) described in deed to the FST Richard Family, LP, as recorded in Instrument Number 2020-135109 Real Property Records, Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner of said Third Tract and being in the west line of said Fifth Tract and being the most southerly southeast corner of that certain called 276 acre tract of land described in deed to the Strader Family Limited Partnership, as recorded in Instrument Number 97-90209, Real Property Records, Denton County, Texas:

THENCE North, a distance of 1098.16 feet along the common line of the west line of said Fifth tract and the most southerly east line of said called 276 acre tract;

THENCE East, a distance of 1130.56 feet to a point in the common line of the most northerly east line of said called Fifth tract and the west line of that certain called 345.35 acre tract of land described in deed to Corinne Adams, as recorded in Volume 611, Page 283, Real Property Records, Denton County, Texas;

THENCE South, a distance of 592.60 feet along said common line to an interior corner of said Fifth tract and being the southwest corner of said called 345.35 acre tract;

THENCE East, a distance of 1911.89 feet along the common line of the north line of said called Fifth tract and the south line of said called 345.35 acre tract to the most easterly northeast corner of said called Fifth tract and being the northwest corner of a called 435.5 acre tract of land;

THENCE South, along the east line of said called Fifth tract and the west line of said called 435.5 acre tract, at a distance of 2357.22 feet pass the southeast corner of said Fifth tract and the northeast corner of said called Second tract and then along the common line of the east line of said called Second tract and the west line of said called 435.5 acre tract a total distance of 4111.11 feet to the southeast corner of said called Second tract and being the northeast corner of that certain called 90.50 acre tract of land described in deed to LPC Bluestone, LP, as recorded in Instrument Number 2020-187384, Real Property Records, Denton County, Texas;

THENCE West at a distance at 2111.89 feet pass the southwest corner of said called Second tract, the southeast corner of said called Fourth tract and the northwest corner of said called 90.50 acre tract, and then along the common line of the south line of said called Fourth tract and the north line of said called First tract, in all a distance of 2127.45 feet;

THENCE South, a distance of 30.69 feet to the beginning of a curve to the right;

THENCE with said curve, an arc distance of 480.40 feet, through a central angle of 22°50'19", having a radius of 1205.18 feet and a long chord of which bears S 11°14'38"W, 477.22 feet;

THENCE S 22°39'47"W, a distance of 718.90 feet to the beginning of a curve to the left;



THENCE with said curve, an arc distance of 423.04 feet, through a central angle of  $16^{\circ}46'17''$ , having a radius of 1445.22 feet and a long chord of which bears  $S 14^{\circ}16'39''W$ , 421.53 feet;

THENCE  $S 05^{\circ}53'30''W$ , a distance of 250.75 feet;

THENCE  $S 40^{\circ}46'53''E$ , a distance of 68.63 feet to the north Right-of-Way line of State Highway 114;

THENCE  $N 87^{\circ}26'56''W$ , a distance of 210.22 feet along said Right-of-Way line;

THENCE  $N 49^{\circ}13'17''E$ , a distance of 72.75 feet, departing said Right-of-Way line;

THENCE  $N 05^{\circ}53'30''E$ , a distance of 257.17 feet to the beginning of a curve to the right;

THENCE with said curve, an arc distance of 455.24 feet, through a central angle of  $16^{\circ}46'17''$ , having a radius of 1555.22 feet and a long chord of which bears  $N 14^{\circ}16'39''E$ , 453.62 feet;

THENCE  $N 22^{\circ}39'47''E$ , a distance of 718.90 feet to the beginning of a curve to the left;

THENCE with said curve, an arc distance of 436.54 feet, through a central angle of  $22^{\circ}50'19''$ , having a radius of 1095.18 feet and a long chord of which bears  $N 11^{\circ}14'38''E$ , 433.66 feet;

THENCE North, a distance of 31.02 feet returning to the common line of the north line of said First tract and the south line of said Fourth tract;

THENCE West, a distance of 804.98 feet to the most northerly northwest corner of said First tract, the southwest corner of said Fourth tract and being in the east line of that certain called 224.246 acre tract of land described in deed to DRH-HWY, LLC, as recorded in Instrument Number 2018-136917, Real Property Records, Denton County, Texas;

THENCE North, along the common line of the west line of said Fourth tract and the east line of said called 224.246 acre tract, at 1753.89 feet, pass the northwest corner of said Fourth tract and the southwest corner of the aforementioned FST Richard Family, LP, Fifth tract, in all a distance of 2230.25 feet to the northeast corner of said called 224.246 acre tract, being the southeast corner of the aforementioned FST Richard Family, LP, Third tract;

THENCE West, a distance of 3164.20 feet along the common line of the south line of said Third tract and the north line of said called 224.246 acre tract to the southwest corner of said Third Tract, the northwest corner of said called 224.246 acre tract and being in the east line of that certain called 107 acre tract of land described in deed to Deborah M. Athcley, Trustee, as recorded in Instrument Number 2016-101017 and described in Volume 515, Page 94, Real Property Records, Denton County, Texas;

THENCE North along the common line of the west line of said Third tract and the east line of said called 107 acre tract, at 1302.20 feet pass the northeast corner of said called 107 acre tract and the southeast corner of that certain called 107 acre tract of land described in deed to The Harry and Jherrie Logan Family Limited Partnership, as recorded in Instrument Number 2009-68535, Real Property Records, Denton County, Texas, and then along the west line of said called Third tract and the east line of said Harry and Jherrie Logan Family Limited Partnership tract in all a distance of 1375.31 feet to the

northwest corner of said called Third tract and the most southerly southwest corner of the  
aforementioned called 276 acre Strader Family Limited Partnership tract;

THENCE East, a distance of 3164.20 feet along the common line of the north line of said called Third  
tract and the south line of said called 276 acre tract, returning to the Point of Beginning and containing  
17,746,724 square feet or 407.409 acres of land, more or less.

This Legal description is for contract purposes only, it is not based on an on the ground survey and  
should not be used for the conveyance of real property.

**RESOLUTION EXHIBIT B**

**PETITION FOR CONSENT TO INCLUDE ADDITIONAL LAND  
INTO BROOKFIELD FRESH WATER SUPPLY DISTRICT NO. 1**

STATE OF TEXAS                   §  
  §  
COUNTY OF DENTON           §

TO THE HONORABLE MAYOR AND  
CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

**STRADER FAMILY PARTNERSHIP**, being the holder of title to all of, and therefore, a majority in value of the land hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Denton County, Texas (“Landowners” or “Petitioners”), acting pursuant to the provisions of the Section 42.045, Texas Local Government Code, as amended, respectfully petition for consent to include additional land in Brookfield Fresh Water Supply District No. 1 (the “District”). In support of this petition, Petitioners show as follows:

I.

The District, to which the land hereinafter described is sought to be annexed, exists under the terms and provisions of Article XVI, Section 59 and Article III, Section 52 of the Constitution of Texas, and Chapters 49, 51 and, for limited purposes, 53, Texas Water Code, as amended. Landowner is the sole owner and holder of fee simple title to the land sought to be annexed to the District, as indicated by the tax rolls of the central appraisal district of Denton County, Texas. Landowner represents and warrants that there are no holders of liens against said land.

II.

The land sought to be added to the District contains approximately 82.407 acres of land, more or less, as described in Exhibit “A”, attached hereto and incorporated herein by reference, and lies wholly within Denton County, Texas. No part of said area is within the limits of any incorporated city or town. Under the provisions of Section 42.001, Local Government Code, as amended, said area is within the extraterritorial jurisdiction of the City of Fort Worth and is not within such jurisdiction of any other city. All of the territory to be annexed may properly be annexed to the District.

III.

The general nature of the work proposed to be done in the area sought to be annexed shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal, domestic and commercial purposes;

(2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;

(3) gather, conduct, divert and control local storm water or other harmful excesses of water in the area; and

(4) the construction, operation and maintenance of roads serving the District.

#### IV.

The area of the District is urban in nature, is near the growing environs of the City of Fort Worth, and is in close proximity to populous and developed sections of Denton County. There is a necessity for the improvements described above because the land sought to be added to the District is not supplied with adequate water, sanitary sewer, drainage or road 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 District, the land sought to be added to the District, and of the territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, drainage and road facilities for the land sought to be added to the District.

#### V.

A public necessity exists for the addition of said lands to the District 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, sanitary sewer, drainage and road facilities.

WHEREFORE, Petitioners respectfully pray that this petition be granted in all respects and that the City of Fort Worth give its consent to the annexation of the aforesaid land into said District.

*[Remainder of Page Intentionally Blank]*

RESPECTFULLY SUBMITTED this 16<sup>th</sup> of April, 2021.

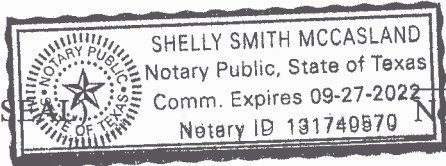
STRADER FAMILY LIMITED PARTNERSHIP  
a Texas limited partnership

By: [Signature]  
Name: Tom Strader  
Title: General Partner

THE STATE OF TEXAS §

COUNTY OF Denton §

This instrument was acknowledged before me on April 16, 2021, by Tom Strader, General Partner of Strader Family Limited Partnership, on behalf of said limited partnership.



(NOTARY SEAL)

[Signature]  
Notary Public in and for the State of Texas

## EXHIBIT "A"

BEING a tract of land situated in the William C. Hallmark Survey, Abstract Number 518, Denton County, Texas, and being a portion of that certain called 276 acre tract of land described in deed to the Strader Family Limited Partnership, as recorded in Instrument Number 97-90209, Real Property Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the most southerly southeast corner of said called 276 acre tract, being the northeast corner of a called 100 acre tract of land described as the Third Tract in deed to the FST Richard Family, LP, as recorded in Instrument Number 2020-135109 Real Property Records, Denton County, Texas and also being in the west line of the called 182.43 acre Fifth Tract of said FST Richard Family, LP, deed;

THENCE West, a distance of 3164.20 feet along the common line of the south line of said called 276 acre tract and the north line of said called 100 tract to the most southerly southwest corner of said called 276 acre tract and the northwest corner of said called 100 acre tract;

THENCE North, a distance of 1170.77 feet along the southerly west line of said called 276 acre tract;

THENCE S 88°41'07"E, a distance of 3165.03 feet to the common line of the southerly east line of said called 276 acre tract and the west line of the aforementioned called 182.43 acre tract;

THENCE South, a distance of 1098.16 feet along said common line returning to the Point of Beginning and containing 3,589,663 square feet or 82.407 acres of land, more or less.

This Legal description is for contract purposes only, it is not based on an on the ground survey and should not be used for the conveyance of real property.