

February 10, 2021

**WHEREAS**, in 1975, the City of Dallas annexed property for the development of Lake Ray Hubbard which expanded the City of Dallas' extraterritorial jurisdiction east and south of the lake property into Rockwall and Kaufman Counties; and

**WHEREAS**, MM Forney 92, LLC owns approximately 93.15 acres within the City of Dallas' extraterritorial jurisdiction in Kaufman County; and

**WHEREAS**, the Walden Pond Fresh Water Supply District of Kaufman County was originally consented to by the City Council on June 27, 2018, by Resolution No. 18-0907; and

**WHEREAS**, Sections 54.0165 of the Texas Water Code and Section 42.0425 of the Texas Local Government Code require an applicant to request municipal consent to expand a Fresh Water Supply District within a city's extraterritorial jurisdiction; and

**WHEREAS**, Section 51A-8.105 of the Dallas Development Code extends plat regulations to all applicable development activity within the extraterritorial jurisdiction of the City; and

**WHEREAS**, on November 23, 2020, the property owners, MM Forney 92, LLC filed a completed application/petition with the Sustainable Development and Construction Department requesting the city's consent for the addition of approximately 93.15 acres into the Walden Pond Fresh Water Supply District of Kaufman County within Dallas' extraterritorial jurisdiction on FM 548 north of U.S. Highway 80 in Kaufman County.

**Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City of Dallas hereby consents to, and the City Manager is instructed to create such documents, if any, as required to evidence the City of Dallas' consent to the addition of approximately 93.15 acres to the Walden Pond Fresh Water Supply District of Kaufman County, as depicted on the attached property description labeled Exhibit A, within the City of Dallas' extraterritorial jurisdiction on FM 548 north of U.S. Highway 80 in Kaufman County.

**SECTION 2.** That consent to the addition to the Walden Pond Fresh Water Supply District of Kaufman County within the City of Dallas' extraterritorial jurisdiction includes the requirement that all development must comply with Article VIII, "Plat Regulations," of the Dallas Development Code.

**SECTION 3.** That as a condition of the consent given by the City of Dallas, pursuant to Texas Water Code Section 54.016(e) and (g), the Fresh Water Supply District shall be subject to the following terms and provisions:

**SECTION 3. (continued)**

- (a) That the Fresh Water Supply District must construct all facilities in accordance with plans and specifications which have been approved by the City of Dallas.
- (b) That the City of Dallas shall have the right to inspect all facilities being constructed by the Fresh Water Supply District.
- (c) That the Fresh Water Supply District may only issue bonds for the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:
  - (i) provide a water supply for municipal uses, domestic uses, and commercial purposes;
  - (ii) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;
  - (iii) gather, conduct, divert, and control local storm water or other local harmful excesses of water in the district;
  - (iv) provide payment of organization expenses, operation expenses during construction, and interest during construction; and
  - (v) provide roadway improvements.
- (d) That the City of Dallas shall be entitled to injunctive relief or a writ of mandamus issued by a court of competent jurisdiction restraining, compelling, or requiring the Fresh Water Supply District and its officials to observe and comply with the terms and provisions prescribed by this resolution.

**SECTION 4.** That the City Council further hereby notifies the Fresh Water Supply District, its residents, and property owners that the Texas Local Government Code allows the City of Dallas to annex any portion of the district located within the City of Dallas' extraterritorial jurisdiction, and the City of Dallas hereby requests that the Fresh Water Supply District include a statement in the form required under Section 49.455 of the Texas Water Code reflecting the possibility of annexation by the City of Dallas.

February 10, 2021

**SECTION 5.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By: \_\_\_\_\_  
Assistant City Attorney