

EXHIBIT "A"

**PETITION FOR CONSENT TO  
ANNEX LAND INTO A MUNICIPAL UTILITY DISTRICT**

THE STATE OF TEXAS                   §  
  §  
COUNTY OF COLLIN                   §

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

The undersigned, MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2 OF COLLIN COUNTY, a political subdivision of the State of Texas (the "District") and HERITAGE FARM TRUST, of Collin County, Texas (the "Property Owner"), respectfully petition the City of McKinney, Texas for its consent to the addition of land to the District. In support of this Petition, the District would show the following:

I.

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

III.

Property Owner is the holder of title to the Tract as shown by the Collin County Tax Rolls and conveyances of record. There are no liens on the Tract.

IV.

The District was organized, created, and established pursuant to Act of June 15, 2007, 80th Leg., R.S., H.B. 3979 (codified at Texas Special Districts Local Laws Code Ann. Chapter 8252) in accordance with Article XVI, Section 59, and Article III, Section 52, of the Constitution of the State of Texas and operates pursuant to Chapters 49 and 54, Texas Water Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;

- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state;
- (9) the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites;
- (10) to gather, conduct, divert, and control local storm water or other local harmful excesses of water; and
- (11) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution.

The District 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 District at the present time is the (i) construction, maintenance and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance and operation of a sanitary sewer collection system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution; and (v) such other construction, installation, maintenance, purchase and operation 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, drainage facilities, road facilities and services. The health and welfare of the future inhabitants of the Tract require the acquisition and installation of an adequate waterworks, sanitary sewer, storm drainage and road system. The purchase, construction, extension, improvement, maintenance and operation of

such waterworks, sanitary sewer, storm drainage and road systems 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, sanitary sewer, storm drainage and road systems can be constructed at a reasonable cost; and said land will be rapidly developed for commercial, multi-family and 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 those filing this Petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$23,000,000.

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

**[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

RESPECTFULLY SUBMITTED THIS 25<sup>TH</sup> DAY OF MAY, 2016.

“DISTRICT”

MCKINNEY MUNICIPAL UTILITY  
DISTRICT NO. 2 OF COLLIN COUNTY

By: Ian McDuffee  
Ian McDuffee, Vice President

ADDRESS:  
c/o Sanford Kuhl Hagan Kugle Parker Kahn LLP  
1980 Post Oak Boulevard, Suite 1380  
Houston, Texas 77056

ATTEST:

Robert Ray  
Secretary, Board of Directors



(DISTRICT SEAL)

THE STATE OF TEXAS

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§  
§

COUNTY OF COLLIN

This instrument was acknowledged before me on the 25<sup>th</sup> day of May, 2016, by Ian McDuffee, as VP of the Board of Directors of McKinney Municipal Utility District No. 2 of Collin County, a political subdivision of the State of Texas, on behalf of said political subdivision.



[Signature]  
NOTARY PUBLIC, STATE OF TEXAS

"PROPERTY OWNER"

HERITAGE FARM TRUST

By: Claude White Frazier, Trustee  
Claude White Frazier, Trustee

By: Mary Linnet Frazier Deily, Trustee  
Mary Linnet Frazier Deily, Trustee

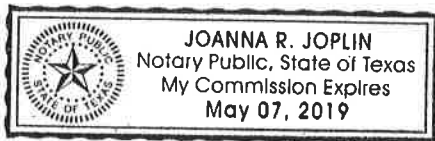
THE STATE OF TEXAS

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COUNTY OF COLLIN

This instrument was acknowledged before me on the 17<sup>th</sup> day of May, 2016, by Claude White Frazier, Trustee of Heritage Farm Trust, on behalf of said trust.

(SEAL)



Joanna R. Joplin  
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS

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COUNTY OF HARRIS

This instrument was acknowledged before me on the 16<sup>th</sup> day of May, 2016, by Mary Linnet Frazier Deily, Trustee of Heritage Farm Trust, on behalf of said trust.

(SEAL)



Karen C. Cuccia  
NOTARY PUBLIC, STATE OF TEXAS

## EXHIBIT "A"

BEING a 271.568 acre tract of land situated in the JOHN EMBERSON SURVEY, ABSTRACT NO. 294, Collin County, Texas, and being all of a 43.3 acre tract, all of a 38 acre tract ("First Tract") and part of a 361.66 acre tract, ("Second Tract"), conveyed to Claude White Frazier and Mary Linnet Frazier Delly, Trustee of the Heritage Farm Trust, as recorded in Volume 4222, Page 3922, Land Records, Collin County, Texas and being all of a called 0.34 acre tract of land conveyed to Harold Frazier and wife, Ruth Frazier by deed recorded in Volume 355, Page 243, Deed Records, Collin County, Texas. Said 271.568 acre tract, with bearing basis being GRID North, Texas State Plane Coordinates, North Central Zone, NAD83 (CORS), determined by GPS Observations on Julian Day 320, 2005, calculated from Denton CORS ARP (PID-DF8986), Arlington RRP2 CORS ARP (PID-DF 5387) and Collin CORS ARP (PID-8982), being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the Northeast corner of a 182.711 acre tract of land and the North corner of a 0.469 acre tract of land, said tracts being conveyed to MA-BBO Five, L.P., as recorded in County Clerk's File No. 20060918001344730, Land Records, Collin County, Texas, said point being on the West line of a 1113.084 acre tract of land conveyed to MA BA Owen, L.P., as recorded in County Clerk's File No. 20060616000829800, Land Records, Collin County, Texas;

THENCE, North 88 degrees 16 minutes 45 seconds West, along the North line of said 182.711 acre tract and a South line of said 1113.084 acre tract, a distance of 188.66 feet to a PK nail set for the Point of Beginning at the Southeast corner of said 0.34 acre tract, said point being in the approximate centerline of County Road No. 206 (a variable width prescriptive right-of-way) and the approximate centerline of County Road No. 228 (a variable width prescriptive right-of-way);

THENCE, along the South line of said 0.34 acre tract and said 361.66 acre tract and with the general direction of County Road No. 228, the following courses and distances:

North 88 degrees 16 minutes 45 seconds West, continuing along the North line of said 182.711 acre tract, a distance of 2893.38 feet to a 3/8 inch iron rod found for the Northwest corner of aforesaid 182.711 acre tract and the Northeast of a 20.300 acre tract of land, conveyed as "Tract 1-A" to Tom B. Wilson, Sr., as recorded in Volume 935, Page 598, Land Records, Collin County, Texas;

North 88 degrees 08 minutes 38 seconds West, along the North line of said 20.300 acre tract, a distance of 579.01 feet to a 1/2 Inch Iron rod found for the Northwest corner of said 20.300 acre tract and the Northeast corner of a 27.381 acre tract of land conveyed to Evelyn Cole Family, Ltd., as recorded in Volume 4652, Page 2413, Land Records, Collin County, Texas;

North 88 degrees 36 minutes 29 seconds West, along the North line of said 27.381 acre tract and the North line of a 30.048 acre tract of land conveyed to Addison G. Wilson, Jr., as recorded in Volume 935, Page 590, Land Records, Collin County, Texas, a distance of 1455.66 feet to a 1/2 Inch Iron pipe found for the Southwest corner of aforesaid 361.66 acre tract and the Northwest corner of said 30.048 acre tract, said point also being on the East line of a 313.22 acre tract of land conveyed as "Tract 2" to Honey Creek Joint Venture II, as recorded in County Clerk's File No. 94-0092023, Land Records, Collin County, Texas;

THENCE, North 01 degree 03 minutes 43 seconds West, along the West line of said 361.66 acre tract and the East line of said 313.22 acre tract, a distance of 1703.77 feet to a 1/2 inch iron rod found for the Northwest corner of said 361.66 acre tract and a Northeast corner of said 313.22 acre tract, said point being on the South line of aforesaid 43.3 acre tract;

THENCE, North 89 degrees 23 minutes 53 seconds West, along the South line of said 43.3 acre tract and a North line of said 313.22 acre tract, a distance of 445.75 feet to a 5/8 inch iron rod found for the Southwest corner of said 43.3 acre tract and an interior angle point on the East line of said 313.22 acre tract;

THENCE, North 01 degree 16 minutes 48 seconds East, along the West line of said 43.3 acre tract and the East line of said 313.22 acre tract, a distance of 680.95 feet to a 5/8 inch iron rod with yellow plastic cap stamped "CARTER BURGESS" set for the Northwest corner of said 43.3 acre tract and a Southwest corner of a 72 acre tract of land conveyed to Beverly M. Allen and Nancy J. Lawrence, Trustees, as recorded in County Clerk's File No. 20060719001009640, Land Records, Collin County, Texas;

THENCE, South 89 degrees 16 minutes 54 seconds East, along the North line of said 43.3 acre tract, the North line of aforesaid 38 acre tract and the South line of said 72 acre tract, a distance of 4911.39 feet to a PK nail set for the Northeast corner of said 38 acre tract and the Southeast corner of said 72 acre tract, said point also being on the West line of aforesaid 1113.084 acre tract and being in the approximate centerline of said County Road No. 206;

THENCE, South 30 degrees 25 minutes 03 seconds East, along the East line of said 38 acre tract and the West line of said 1113.084 acre tract, with the approximate centerline of said County Road No. 206, a distance of 706.86 feet to a 3/4 Inch iron rod found for corner;

THENCE, South 01 degree 38 minutes 13 seconds West, along the East lines of said 38 acre tract and said 361.66 acre tract and the West line of said 1113.084 acre tract, with the approximate centerline of said County Road No. 206, a distance of 1615.59 feet to a PK nail set for the North corner of said 0.34 acre tract;

THENCE, continuing along the East line of said 0.34 acre tract and the West line of said 1113.084 acre tract, with the approximate centerline of said County Road No. 206, the following courses and distances:

South 22 degrees 24 minutes 21 seconds East, a distance of 161.50 feet to a PK nail set for corner;

South 47 degrees 40 minutes 01 seconds East, a distance of 140.42 feet to the POINT OF BEGINNING, and CONTAINING 271.635 acres of land, more or less.

SAVE AND EXCEPT a 0.067 acre tract of land situated in the JOHN EMBERSON SURVEY, ABSTRACT NO. 294, Collin County, Texas, and being part of a 0.151 acre tract of land, conveyed to Trustee of Moore Wilson Graveyard, as recorded in Volume 237, Page 103, Land Records, Collin County, Texas, being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the Northeast corner of aforesaid 182.711 acre tract of land and the North corner of aforesaid 0.469 acre tract of land, said point being on the West line of aforesaid 1113.084 acre tract of land;

THENCE, North 88 degrees 16 minutes 45 seconds West, along the North line of said 182.711 acre tract and a South line of said 1113.084 acre tract, passing at a distance of 188.66 feet, a PK nail set for the Southeast corner of said 361.66 acre tract, said point being in the approximate centerline of aforesaid County Road No. 206, continuing along the North line of said 182.711 acre tract and the South line of said 361.66 acre tract, in all a total distance of 2420.93 feet to a point;

THENCE, North 02 degrees 42 minutes 27 seconds East, over and across said 361.66 acre tract, a distance of 14.38 feet to the POINT OF BEGINNING;

THENCE, continuing over and across said 361.66 acre tract, the following courses and distances:

North 87 degrees 53 minutes 02 seconds West, a distance of 53.87 feet to a point for corner;

North 02 degrees 06 minutes 58 seconds East, a distance of 53.82 feet to a fence corner post found for corner;

South 87 degrees 53 minutes 02 seconds East, a distance of 54.43 feet to a fence corner post found for corner;

South 02 degrees 42 minutes 27 seconds West, a distance of 53.83 feet to the POINT OF BEGINNING, and CONTAINING 0.067 acres of land, more or less, leaving a net acreage of 271.568 acres of land, more or less.

SAVE AND EXCEPT

0.901 ACRES

BEING a tract of land situated in the John Emberson Survey, Abstract No. 294, Collin County, Texas and being part of a tract of land described as "Second Tract" in Special Warranty Deed to Heritage Farm Trust, recorded in Instrument No. 98-0084317, Land Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail set in the north line of a tract of land described as "Tract 5" In Special Warranty Deed to CH-B Trinity Falls, L.P., recorded in Instrument No. 20120229000234690, Land Records of Collin County, Texas and in the west line of a tract of land described as CH-B Trinity Falls, L.P., recorded in Instrument No. 20120229000234680, Land Records of Collin County, Texas at the southeast corner of said Second Tract and generally in County Road No. 206 (a generally recognized public road) and in County Road No. 228 ( a generally recognized public road);

THENCE with the north line of said Tract 5 and generally along said County Road No. 228, North 88 degrees 16 minutes 45 seconds West, a distance of 314.95 feet to a PK nail set for corner, from which, a 3/8" Iron rod found bears North 88 degrees 16 minutes 45 seconds West, a distance of 2578.42 feet;

THENCE departing said north line, the following courses and distances:

North 1 degree 43 minutes 15 seconds East, a distance of 65.50 feet to a 5/8" Iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 90 degrees 05 minutes 03 seconds, a radius of 66.00 feet, a chord bearing and distance of North 46 degrees 40 minutes 44 seconds East, 93.41 feet;

In a northeasterly direction, with said curve to the left, an arc distance of 103.77 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the end of said curve;

North 1 degree 38 minutes 13 seconds East, a distance of 84.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

North 7 degrees 54 minutes 51 seconds East, a distance of 23.23 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

South 88 degrees 21 minutes 47 seconds East, a distance of 73.96 feet to a PK nail set for corner in said west line, from which a 3/4" iron rod found bears North 1 degree 38 minutes 13 seconds East, a distance of 1615.59 feet, said point being in said County Road No. 206;

THENCE with said west line and generally along said County Road No. 206, the following courses and distances:

South 22 degrees 24 minutes 21 seconds East, a distance of 161.50 feet to a PK nail set for corner;

South 47 degrees 40 minutes 01 second East, a distance of 140.42 feet to the POINT OF BEGINNING and containing 39,233 square feet or 0.901 acres of land, of which approximately 0.31 acres is located with said generally recognized public road.