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COATS | ROSE

A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

NSCOTT@COATSROSE.COM
DIRECT: (512) 541-3846
FAX: (512) 469-9408

October 03, 2022

Public Utilities Commission
P.O. Box 13326
Austin, Texas 78711-3326

Via Electronic Filing

Re: Docket No. 53932; *Petition by KL LHB DSD AIV, LLC for Expedited Release from Water CCN No. 13087 Held by Kaufman County Municipal Utility District No. 12 in Kaufman County*

Dear Sir or Madam:

Enclosed for filing in the above-referenced matter please find a First Amended Petition by KL LHB DSD AIV, LLC for Expedited Release Pursuant to Texas Water Code Section 13.2541, as well as the corresponding digital data (polygon shapefiles) which were electronically filed today with the PUC.

This amended petition is being filed to correct mapping deficiencies. A copy is also being sent via certified mail to the CCN Holder.

Very truly yours,



Natalie B. Scott

Enclosures
Cc (w/encl.):

Kaufman County Municipal Utility District No. 12
14755 Preston Road, Suite 600
Dallas, Texas 75254

Via Certified Mail, Return Receipt Requested
No. 7019 1640 0001 2860 7712

Andy Aus – andy.aus@puc.texas.gov

TERRACE 2, 2700 VIA FORTUNA, SUITE 350, AUSTIN, TEXAS 78746
PHONE: (512) 469-7987 FAX: (512) 469-9408
coatsrose.com

PUC DOCKET NO. 53932

PETITION BY KL LHB DSD AIV, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 13087	§	PUBLIC UTILITY COMMISSION
HELD BY KAUFMAN COUNTY	§	
MUNICIPAL UTILITY DISTRICT NO. 12	§	
IN KAUFMAN COUNTY	§	OF TEXAS

**FIRST AMENDED PETITION BY KL LHB DSD AIV, LLC FOR EXPEDITED
RELEASE PURSUANT TO TEXAS WATER CODE SECTION 13.2541**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

KL LHB DSD AIV, LLC (“Petitioner”) files its First Amended Petition with the Public Utility Commission of Texas (the “PUC”) for expedited release from Kaufman County Municipal Utility District No. 12 (“KCMUD No. 12”) water certificate of convenience and necessity (“CCN”) No. 13087 pursuant to (i) Texas Water Code Section 13.2541; and (ii) 16 Texas Administrative Code Section 24.245; and in support shows as follows:

I. APPLICABLE REGULATIONS

Section 13.2541 of the Texas Water Code provides that the owner of a tract of land that is at least 25 acres and that is not receiving water or sewer service may petition for expedited release of the area from a CCN. TEX. WATER CODE § 13.2541. For land that is located within a county with a population of at least one million, or a county adjacent to a county with a population of at least one million, the owner of the qualifying tract “is entitled to that release.” *Id.* The rule adopted by the PUC pursuant to Section 13.2541 provides the same, and it recognizes that Collin County is a county in which owners of at least 25 acres are entitled to expedited release. *See* 16 TEX. ADMIN. CODE § 24.245(h). Under Section 13.2541(c), the PUC “shall grant a petition not later than the 60th day after the date the landowner files the petition.” *See* TEX. WATER CODE § 13.2541(c).

II. REQUEST FOR EXPEDITED RELEASE

Petitioner is owner of a tract of land containing approximately 309.348 acres of contiguous property in Kaufman County (the “Property” or “Tract of Land”) reflected in the deed attached as Exhibit ‘D.’ This acreage is also identified in Petitioner’s shapefile labeled TRACT OF LAND - DEED. Petitioner seeks streamlined expedited release of approximately 276.019 acres of the Tract of Land the Tract of Land from water CCN. No. 13087 (the “Requested Area”). This portion, or Requested Area, is identified in Petitioner’s shapefile labeled TRACT OF LAND - PORTION. An Affidavit in support of this Petition is attached hereto as Exhibit “A.” Exhibits “B” and “C” attached to this Petition are true and correct revised copies of a general location and detailed map of the Property. Petitioner is owner of this land as evidenced by the Special Warranty Deed, attached as Exhibit “D” (Tract of Land Deed of approximately 309.348 acres). Two revised shapefiles, referenced above, will also be submitted in this docket.

III. CONCLUSION AND PRAYER

Texas Water Code Section 13.2541 entitles Petitioner to expedited release of the Requested Area as described herein. The Property is greater than 25 acres, is not receiving water or sewer service, and are entirely within Kaufman County. Under Section 13.2541, the PUC should grant this Petition no later than the 60th day after the date of filing. Petitioner respectfully requests that the PUC grant this Petition and issue an order under the authority of Section 13.2541 releasing all portions of the Property that are within the boundaries of Water CCN No. 13087.

Respectfully submitted,

COATS | ROSE

By: 

Natalie B. Scott
State Bar No. 24027970
nscott@coatsrose.com

Terrace 2
2700 Via Fortuna, Suite 350
Austin, Texas 78746
(512) 469-7987 Telephone
(512) 469-9408 Telecopier

ATTORNEY FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October, 2022, a true and correct copy of the First Amended Petition by KL LHB DSD AIV, LLC for Expedited Release Pursuant to Texas Water Code Section 13.254.1 was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

Kaufman County Municipal Utility District No. 12
14755 Preston Road, Suite 600
Dallas, Texas 75254

Andy Aus
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
Email: andy.aus@puc.texas.gove



Natalie B. Scott

EXHIBIT "A"

Affidavit of Ryan Mott

PETITION BY KL LHB DSD AIV, LLC	§	BEFORE THE
FOR EXPEDITED RELEASE	§	
FROM WATER CCN NO. 13087	§	PUBLIC UTILITY COMMISSION
HELD BY KAUFMAN COUNTY	§	
MUNICIPAL UTILITY DISTRICT NO. 12	§	
IN KAUFMAN COUNTY	§	OF TEXAS

**AFFIDAVIT OF RYAN MOTT IN SUPPORT OF FIRST AMENDED PETITION FOR
EXPEDITED RELEASE FROM WATER CCN NO. 13087 HELD BY KAUFMAN
MUNICIPAL UTILITY DISTRICT NO. 12 PURSUANT TO TEXAS WATER CODE
SECTION 13.2541**

STATE OF ARIZONA §

COUNTY OF MARICOPA §

BEFORE ME, the undersigned notary, personally appeared Ryan Mott, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

1. “My name is Ryan Mott, authorized signatory for KL LHB DSD AIV, LLC, a subsidiary of Lennar Homes of Texas Land and Construction, Ltd. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. Petitioner is owner of a tract of land containing approximately 309.348 acres of contiguous property in Kaufman County (the “Property” or “Tract of Land”) reflected in the deed attached as Exhibit ‘D.’ This acreage is also identified in Petitioner’s shapefile labeled TRACT OF LAND - DEED. Petitioner seeks streamlined expedited release of approximately 276.019 acres of the Tract of Land the Tract of Land from water CCN. No. 13087 (the “Requested Area”). This portion, or Requested Area, is identified in Petitioner’s shapefile labeled TRACT OF LAND - PORTION. Exhibits “B” and “C” attached to this Petition are true and correct revised copies of a general location and detailed map of the Property. Petitioner is owner of this land as evidenced by the Special Warranty Deed, attached as Exhibit “D” (Tract of Land Deed of approximately 309.348 acres). Two revised shapefiles, referenced above, will also be submitted in this docket.

3. The Requested Area is not receiving water service from Kaufman County Municipal Utility District No. 12 or any other water service provider. The Requested Area has not requested water service from Kaufman County Municipal Utility District No. 12 or paid any fees or charges to initiate or maintain water service, and there are no billing records or other documents indicating an existing account for the Requested Area.

4. I request that the Public Utility Commission of Texas release the Requested Area from Water CCN No. 13087.”

FURTHER AFFIANT SAYETH NOT.



KL LHB DSD AIV LLC, a Delaware
limited liability company
By: Ryan Mott, Authorized Signatory

SWORN TO AND SUBSCRIBED TO BEFORE ME by Ryan Mott on September 29, 2022.



Notary Public, State of Arizona

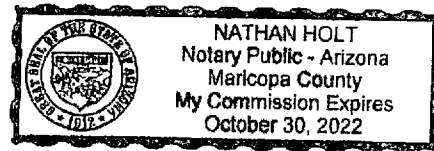
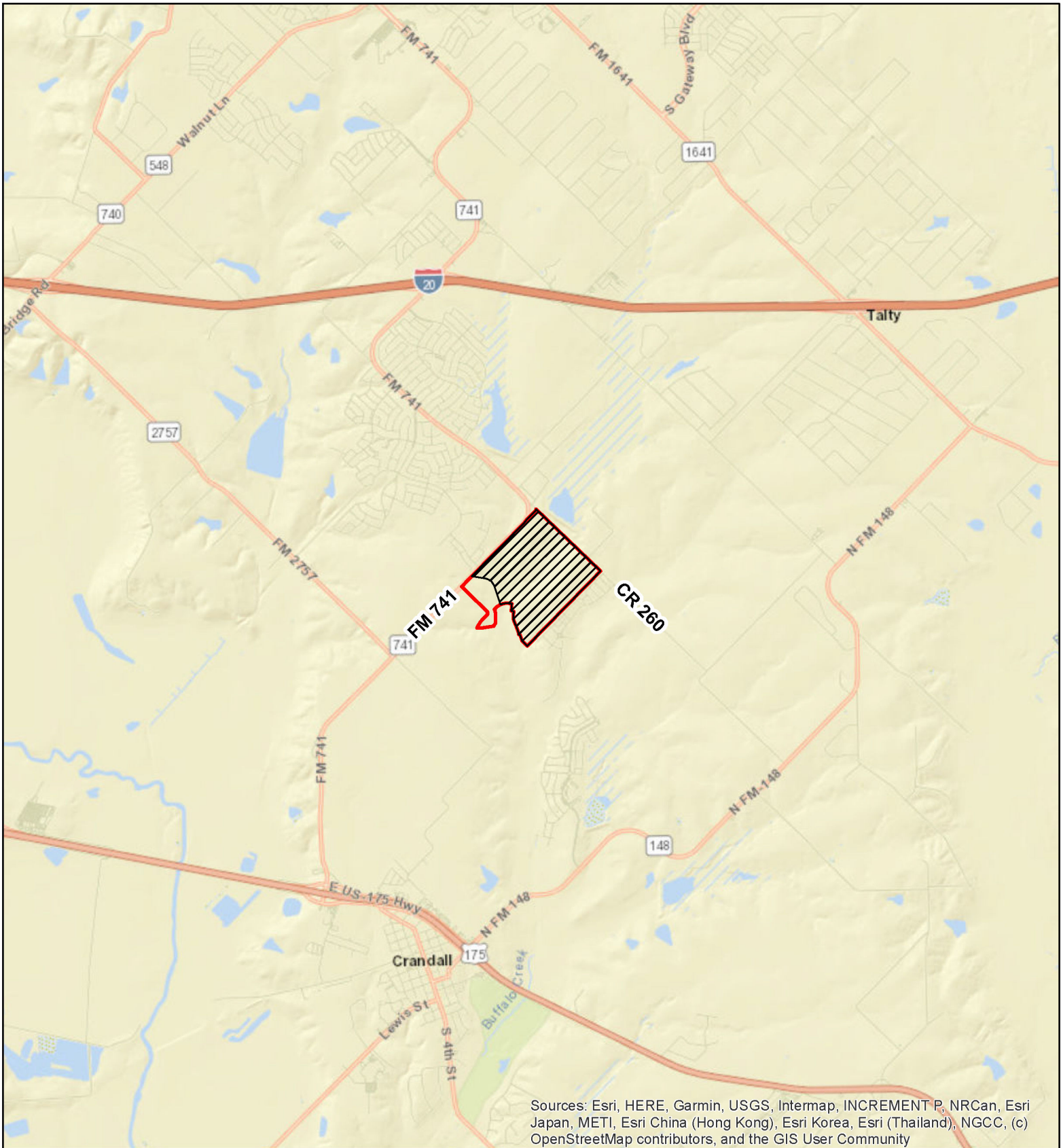


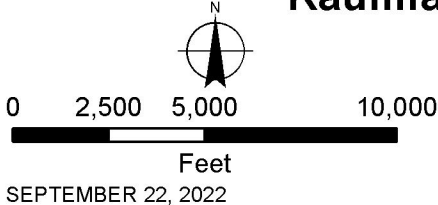
EXHIBIT "B"

General Location Map



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Tract of Land to Decertify from Kaufman County MUD No. 12 (CCN No. 13087)

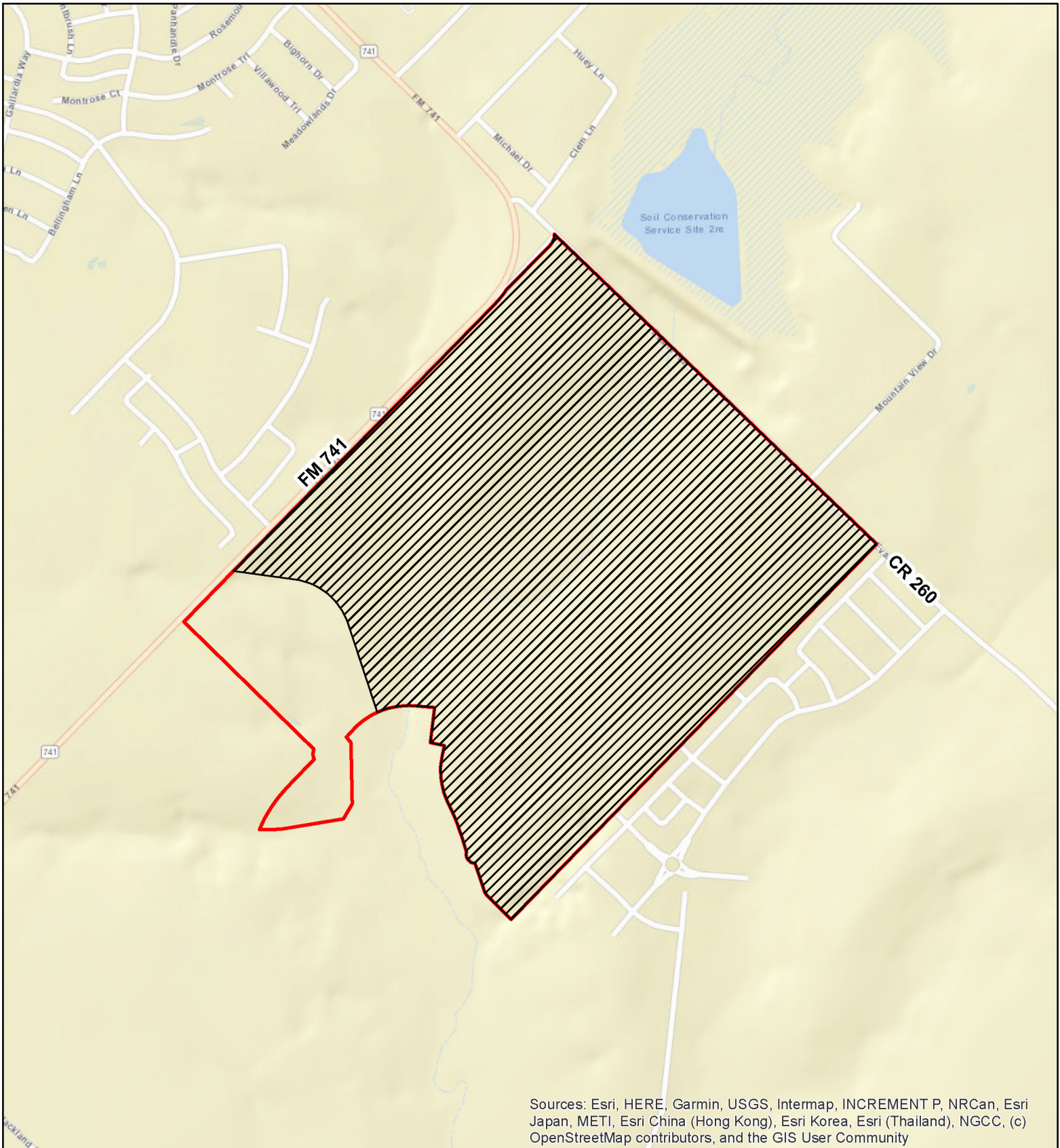


Requested Area for Release is southwest
of CR 260 (Evans Road) and southeast
of F.M. 741 in the ETJ of the City of Crandall
Kaufman County, TX

Legend - 1" = 5,000'
 TRACT OF LAND - PORTION
 TRACT OF LAND - DEED

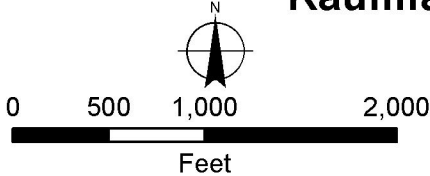
EXHIBIT “C”

Detailed Map



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Tract of Land to Decertify from Kaufman County MUD No. 12 (CCN No. 13087)



Requested Area for Release is southwest
of CR 260 (Evans Road) and southeast
of F.M. 741 in the ETJ of the City of Crandall
Kaufman County, TX

Legend - 1" = 1,000'

- TRACT OF LAND - PORTION
- TRACT OF LAND - DEED

EXHIBIT “D”

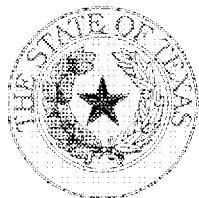
Warranty Deed

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2021-0034871

Billable Pages: 8
Number of Pages: 9

FILED AND RECORDED – REAL RECORDS	CLERKS COMMENTS
<p>On: 08/30/2021 at 10:13 AM</p> <p>Document Number: <u>2021-0034871</u></p> <p>Receipt No: <u>21-28494</u></p> <p>Amount: \$ <u>54.00</u></p> <p>Vol/Pg: <u>V:7179 P:136</u></p>	<p>E-RECORDING</p>



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Maribel Vazquez, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

Record and Return To:

LENNAR TITLE FKA CALATLANTIC TITLE, INC. - TEXAS
4201 N STATE HIGHWAY 161 STE
IRVING, TX 75038-1474



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED
(EASTLAND)

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF KAUFMAN §

THAT, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas limited partnership ("Grantor"), for and in consideration of the sum of \$10.00 cash in hand paid by KL LHB DSD AIV LLC, a Delaware limited liability company ("Grantee"), whose address is c/o Kennedy Lewis Investment Management LLC, 111 West 33rd Street, Suite 1910, New York, NY 10120, Attn.: Anthony Pasqua, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee, that certain real property situated in Kaufman County, Texas, and described in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Lots"), and all buildings, fixtures and other improvements located on the Lots, if any, together with all and singular the rights, privileges, hereditaments and appurtenances pertaining to such real property, including, but not limited to, all right, title and interest of Grantor, if any, in and to (1) any strips and gores, if any, between the Lots and any abutting properties, whether owned or claimed by deed, limitations or otherwise; and (2) any land lying within any highway, avenue, street, road, alley, easement or right of way, open or proposed, in, or across, abutting or adjacent to the Lots (all of such real property, rights and appurtenances herein referred to collectively as the "Property").

This conveyance is made by Grantor and accepted by Grantee subject only to the easements, restrictions and other matters described in Exhibit "B" attached hereto and incorporated herein by reference (collectively, the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with, all and singular, the rights and appurtenances thereto in anywise belonging, to Grantee and Grantee's successors and assigns forever; and subject only to the Permitted Exceptions, Grantor does hereby bind Grantor and Grantor's successors and assigns to warrant and forever defend, all and singular, the Property unto the Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof by, through or under Grantor, but not otherwise.

[Signature Page Immediately Follows]

EXECUTED to be effective the 21st day of August, 2021.

GRANTOR:

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.,
a Texas limited partnership

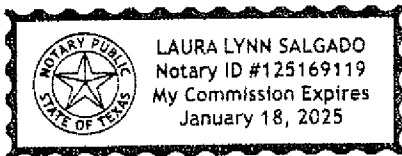
By: U.S. Home Corporation, a Delaware corporation, its General Partner

By: Jennifer Eller
Name: Jennifer Eller
Title: Authorized Agent

STATE OF Texas)

COUNTY OF Dallas)

This instrument was acknowledged before me on August 21st, 2021, by Jennifer Eller, the Authorized Agent of U.S. Home Corporation, a Delaware corporation, the General Partner of LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., a Texas limited partnership, on behalf of said corporation and limited partnership.



Laura Salgado
Notary Public, State of Texas
Name: Laura Salgado
My Commission Expires: 1-18-2025

After Recording, Return to:

KL LHB DSD AIV LLC
c/o Kennedy Lewis Investment Management LLC
111 West 33rd Street, Suite 1910
New York, NY 10120
Attn.: Anthony Pasqua

EXHIBIT "A"

Legal Description

BEING A 309.348 ACRE TRACT OF LAND SITUATED IN THE J. MOORE SURVEY, ABSTRACT NUMBER 309, CITY OF CRANDALL ETJ, KAUFMAN COUNTY, TEXAS, AND BEING PART OF A 607.680 ACRE TRACT OF LAND CONVEYED AS "TRACT 3" TO HEARTLAND 1800 INVESTMENT LAND, L.P., AS RECORDED IN VOLUME 3119, PAGE 142, DEED RECORDS, KAUFMAN COUNTY, TEXAS. SAID 309.348 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83 (NAD83(2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ELLIS CORS ARP (PID-DF8988), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/8 INCH CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND FOR THE EAST CORNER OF SAID 607.680 ACRE TRACT, AND THE COMMON NORTH CORNER OF HIGHBRIDGE, PHASE 1, AN ADDITION TO THE CITY OF CRANDALL E.T.J., AS RECORDED IN CABINET 3, SLIDE 528, PLAT RECORDS, KAUFMAN COUNTY, TEXAS. SAID POINT BEING IN THE CENTERLINE OF EVANS ROAD, (A.K.A. COUNTY ROAD 260 (A PRESCRIPTIVE RIGHT-OF-WAY));

THENCE, SOUTH 44 DEGREES 14 MINUTES 21 SECONDS WEST, ALONG SOUTHEAST LINE OF SAID 607.680 ACRE TRACT AND THE COMMON NORTHWEST LINE OF SAID HIGHBRIDGE, PHASE 1, THE NORTHWEST LINE OF HIGHBRIDGE, PHASE 2, AN ADDITION TO THE CITY OF CRANDALL, E.T.J., AS RECORDED IN CABINET 3, SLIDE 656, PLAT RECORDS, KAUFMAN COUNTY, TEXAS, AND THE NORTHWEST LINE OF THE REMAINDER OF A 183.486 ACRE TRACT OF LAND CONVEYED TO LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., AS RECORDED IN COUNTY CLERK'S FILE NO. 2018-0021455, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, A DISTANCE OF 4023.76 FEET TO A POINT FOR CORNER;

THENCE, OVER AND ACROSS SAID 607.680 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 45 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 266.25 FEET TO A POINT FOR CORNER;

NORTH 33 DEGREES 59 MINUTES 04 SECONDS WEST, A DISTANCE OF 28.71 FEET TO A POINT FOR CORNER;

NORTH 18 DEGREES 17 MINUTES 12 SECONDS WEST, A DISTANCE OF 232.96 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 101 DEGREES 09 MINUTES 11 SECONDS, A RADIUS OF 70.00 FEET, AND A

LONG CHORD THAT BEARS NORTH 38 DEGREES 17 MINUTES 19 SECONDS WEST, A DISTANCE OF 108.15 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 123.58 FEET TO A POINT FOR CORNER;

NORTH 17 DEGREES 00 MINUTES 24 SECONDS WEST, A DISTANCE OF 128.62 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07 DEGREES 36 MINUTES 08 SECONDS, A RADIUS OF 1480.00 FEET, AND A LONG CHORD THAT BEARS NORTH 20 DEGREES 48 MINUTES 29 SECONDS WEST, A DISTANCE OF 196.23 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 196.37 FEET TO A POINT FOR CORNER;

NORTH 24 DEGREES 36 MINUTES 33 SECONDS WEST, A DISTANCE OF 98.41 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 36 DEGREES 33 MINUTES 23 SECONDS, A RADIUS OF 545.00 FEET, AND A LONG CHORD THAT BEARS NORTH 06 DEGREES 19 MINUTES 52 SECONDS WEST, A DISTANCE OF 341.86 FEET;

ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 347.72 FEET TO A POINT FOR CORNER;

NORTH 11 DEGREES 56 MINUTES 50 SECONDS EAST, A DISTANCE OF 84.08 FEET TO A POINT FOR CORNER;

NORTH 78 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 109.89 FEET TO A POINT FOR CORNER;

NORTH 06 DEGREES 56 MINUTES 36 SECONDS EAST, A DISTANCE OF 270.92 FEET TO A POINT FOR CORNER;

NORTH 85 DEGREES 14 MINUTES 23 SECONDS WEST, A DISTANCE OF 157.74 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 50 DEGREES 56 MINUTES 24 SECONDS, A RADIUS OF 570.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 69 DEGREES 17 MINUTES 24 SECONDS WEST, A DISTANCE OF 490.24 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 506.77 FEET TO A POINT FOR CORNER;

SOUTH 43 DEGREES 49 MINUTES 12 SECONDS WEST, A DISTANCE OF 91.64 FEET TO A POINT FOR CORNER;

SOUTH 40 DEGREES 21 MINUTES 47 SECONDS EAST, A DISTANCE OF 55.56 FEET TO A POINT FOR CORNER;

SOUTH 01 DEGREE 05 MINUTES 15 SECONDS EAST, A DISTANCE OF 469.79 FEET TO A POINT FOR CORNER;

SOUTH 29 DEGREES 59 MINUTES 50 SECONDS WEST, A DISTANCE OF 132.48 FEET TO A POINT FOR CORNER;

SOUTH 80 DEGREES 35 MINUTES 23 SECONDS WEST, A DISTANCE OF 490.82 FEET TO A POINT FOR CORNER;

SOUTH 89 DEGREES 15 MINUTES 31 SECONDS WEST, A DISTANCE OF 161.99 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20 DEGREES 50 MINUTES 33 SECONDS, A RADIUS OF 1060.00 FEET, AND A LONG CHORD THAT BEARS NORTH 33 DEGREES 23 MINUTES 56 SECONDS EAST, A DISTANCE OF 383.47 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 385.60 FEET TO A POINT FOR CORNER;

NORTH 43 DEGREES 49 MINUTES 12 SECONDS EAST, A DISTANCE OF 303.42 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 51 DEGREES 03 MINUTES 27 SECONDS, A RADIUS OF 90.00 FEET, AND A LONG CHORD THAT BEARS NORTH 01 DEGREE 10 MINUTES 48 SECONDS WEST, A DISTANCE OF 77.57 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 80.20 FEET TO A POINT FOR CORNER;

NORTH 45 DEGREES 39 MINUTES 20 SECONDS WEST, A DISTANCE OF 1397.23 FEET TO A POINT FOR CORNER ON THE NORTHWEST LINE OF SAID 607.680 ACRE TRACT AND THE COMMON SOUTHEAST RIGHT-OF-WAY LINE OF FARM-TO-MARKET, ROAD NO. 741, (A 90' RIGHT-OF-WAY);

THENCE, ALONG SAID COMMON LINE, THE FOLLOWING COURSES AND DISTANCES:

NORTH 44 DEGREES 20 DEGREES 40 MINUTES EAST, A DISTANCE OF 1416.23 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER;

NORTH 44 DEGREES 30 MINUTES 36 SECONDS EAST, A DISTANCE OF 699.51 FEET TO A CONCRETE MONUMENT FOUND;

NORTH 44 DEGREES 24 MINUTES 12 SECONDS EAST, A DISTANCE OF 1291.84 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES 08 MINUTES 38 SECONDS, A RADIUS OF 761.20 FEET, AND A LONG CHORD THAT BEARS NORTH 38 DEGREES 50 MINUTES 01 SECOND EAST A DISTANCE OF 147.82 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 148.05 FEET TO A 1/2" CAPPED IRON ROD STAMPED "DAA" FOUND FOR CORNER;

NORTH 44 DEGREES 29 MINUTES 45 SECONDS EAST, A DISTANCE OF 475.74 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "LJA SURVEYING" SET FOR CORNER AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 43 DEGREES 46 MINUTES 47 SECONDS, A RADIUS OF 127.30 FEET, AND A LONG CHORD THAT BEARS NORTH 22 DEGREES 36 MINUTES 21 SECONDS EAST A DISTANCE OF 94.92 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 97.27 FEET TO POINT FOR CORNER FROM WHICH A 3/8" CAPPED IRON ROD STAMPED "PATE ENGINEERING" FOUND BEARS NORTH 43 DEGREES 45 MINUTES 08 SECONDS WEST, A DISTANCE OF 1.11 FEET, SAID POINT BEING IN THE CENTERLINE OF AFORESAID EVANS ROAD;

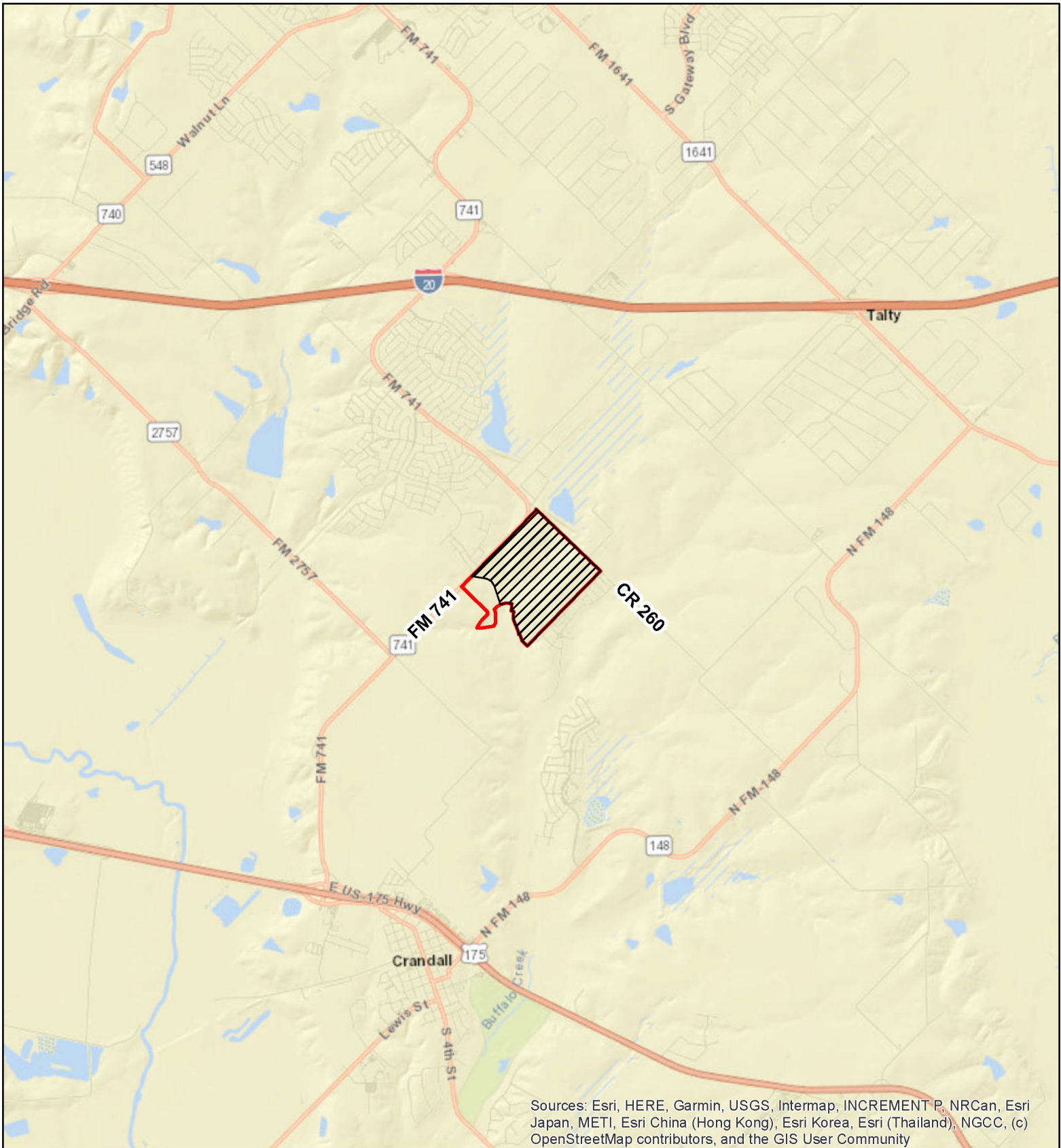
THENCE, SOUTH 46 DEGREES 07 MINUTES 52 SECONDS EAST, ALONG THE NORTHEAST LINE OF SAID 607.680 ACRE TRACT AND ALONG SAID APPROXIMATE CENTERLINE OF EVANS ROAD, A DISTANCE OF 3432.97 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 13,475,207 SQUARE FEET OR 309.348 ACRES OF LAND.

EXHIBIT "B"

Permitted Exceptions

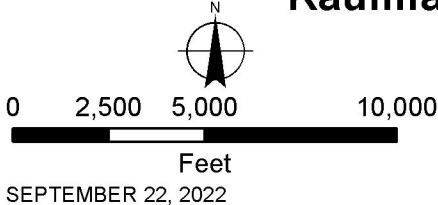
1. Restrictions under Volume 2475, Page 190, Volume 3408, Page 533, Volume 4053, Page 321, Volume 4472, Page 84, Volume 4614, Page 131, Volume 4614, Page 147, Volume 4795, Page 35, Volume 4912, page 448, Volume 5570, Page 598, Volume 5686, Page 457, Volume 5743, Page 52, Volume 6360, Page 1, Volume 6494, Page 137, Volume 6798, Page 426, and County Clerk's File Nos. 2006-0002366, 2009-0003584, 2011-0019518, 2013-0021721, 2014-0003256, 2014-0018093, 2015-0019237, 2015-0009070, 2016-0018479, 2016-0021837, 2017-0010348, 2017-0020934, 2017-0023071, 2019-0001655, 2020-0000442 and 2020-0013104, Official Public Records, Kaufman County, Texas.
2. Standby fees, taxes, and assessments by any taxing authority for the year 2021 and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.
3. Visible and apparent easements on or across the property covered by this policy which may not appear of record, including, but not limited to, those certain Buried Gas Marker and Buried Gas Line easements.
4. All leases, grants, exceptions or reservations of coal, lignite, oil, gas, and other minerals, together with all rights, privileges and immunities relating thereto, appearing in the Public Records. There may be leases, grants, exceptions, or reservations of mineral interest(s) that are not listed.
5. Agreement of Standards of Development in ETJ by City of Crandall, Texas, recorded in Volume 3143, Page 199, Kaufman County, Texas, as amended by that certain unrecorded First Amendment to Agreement of Standards in Development in ETJ effective April 1, 2008, executed by and between the City of Crandall, Texas, and HW Heartland, L.P., a Texas limited partnership.
6. Utility and Access Easement in favor of Kaufman County Fresh Water Supply District No. 4A, recorded in Volume 5650, Page 472, Kaufman County, Texas, as shown on that certain Land Title Survey dated January 28, 2021, last revised August 23, 2021, prepared by Chris Matteo, Texas RPLS No. 6501, for LJA Surveying, Inc. under Project No. 0003 (the "Survey").
7. Utility and Access Easement in favor of Kaufman County Fresh Water Supply District No. 4A, recorded in Volume 5704, Page 384, Kaufman County, Texas, as shown on the Survey.
8. Temporary Access and Grading Easement Agreement in favor of Lennar Homes of Texas Land and Construction, Ltd., recorded in Volume 5909, Page 196, Kaufman County, Texas, as shown on the Survey.

9. Temporary Access and Grading Easement Agreement in favor of Lennar Homes of Texas Land and Construction, Ltd., recorded in Volume 6168, Page 402, Kaufman County, Texas, as shown on the Survey.
10. Education fund assessment (private transfer fee) payable to Kingsborough Education Foundation, Inc., as set forth in Volume 2475, Page 190, Official Public Records, Kaufman County, Texas.
11. The following matters, as reflected on the Survey: Fences do not follow property line. Portion of property lies in the Evans Road (CR 260) right of way.



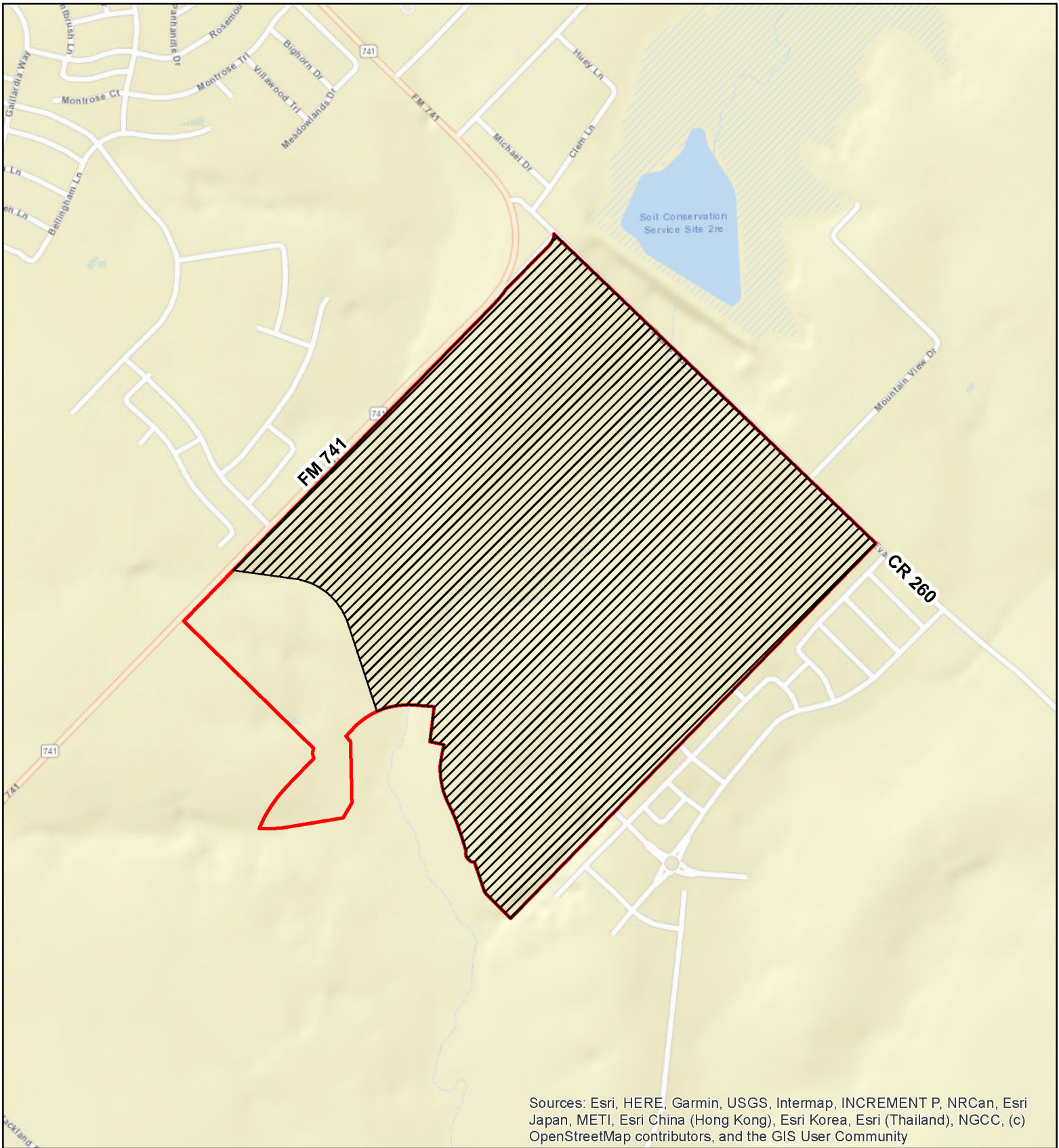
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Tract of Land to Decertify from Kaufman County MUD No. 12 (CCN No. 13087)



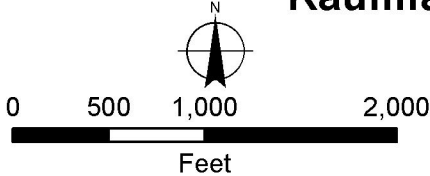
Requested Area for Release is southwest
of CR 260 (Evans Road) and southeast
of F.M. 741 in the ETJ of the City of Crandall
Kaufman County, TX

Legend - 1" = 5,000'
 TRACT OF LAND - PORTION
 TRACT OF LAND - DEED



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Tract of Land to Decertify from Kaufman County MUD No. 12 (CCN No. 13087)



Requested Area for Release is southwest
of CR 260 (Evans Road) and southeast
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Kaufman County, TX

Legend - 1" = 1,000'

- TRACT OF LAND - PORTION
- TRACT OF LAND - DEED

The following files are not convertible:

TRACT_OF_LAND_-_DEED.cpg
TRACT_OF_LAND_-_DEED.dbf
TRACT_OF_LAND_-_DEED.prj
TRACT_OF_LAND_-_DEED.sbn
TRACT_OF_LAND_-_DEED.sbx
TRACT_OF_LAND_-_DEED.shp

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TRACT_OF_LAND_-_DEED.shx
TRACT_OF_LAND_-_PORTION.cpg
TRACT_OF_LAND_-_PORTION.dbf
TRACT_OF_LAND_-_PORTION.prj
TRACT_OF_LAND_-_PORTION.sbn
TRACT_OF_LAND_-_PORTION.sbx
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