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A PROFESSIONAL CORPORATION

NATALIE SCOTT
DIRECTOR

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

November 03, 2022

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

Via Electronic Filing

Re: NEW PUC Docket; *S2 Land Development, LLC's Complaint against The City of Waxahachie for Impairment of Water and Wastewater Service*

Dear Sir or Madam:

Enclosed for filing please find S2 Land Development, LLC's Complaint against The City of Waxahachie for Impairment of Water and Wastewater Service which was electronically filed today with the PUC.

A copy is also being sent via certified mail to the City of Waxahachie.

Very truly yours,

Natalie B. Scott

Natalie B. Scott

Enclosures
Cc (w/encl.):

David R. Bailey
Senior Director of Utilities
City of Waxahachie
P.O. Box 757
Waxahachie, Texas 75168

Via Certified Mail, Return Receipt Requested
No. 7020 0640 0001 0889 9945

PUC DOCKET NO. _____

COMPLAINT BY S2 LAND DEVELOPMENT, LLC AGAINST THE CITY OF WAXAHACHIE FOR IMPAIRMENT OF WATER & WASTEWATER SERVICE	§ § § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

S2 LAND DEVELOPMENT, LLC'S COMPLAINT AGAINST THE CITY OF WAXAHACHIE FOR IMPAIRMENT OF WATER & WASTEWATER SERVICE

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

S2 Land Development, LLC ("Complainant" or "S2") files its Complaint against the City of Waxahachie (the "City") for failure to provide water and wastewater service to property within the City's certificated service areas, and shows as follows:

I. Factual Background

S2 owns approximately 182 acres of land described in the attached Exhibit "A" (the "Property") in Ellis County and in the extraterritorial jurisdiction ("ETJ") of the City, which S2 seeks to develop primarily for residential purposes. The Property is located in the City's Certificate of Convenience and Necessity ("CCN") No. 10915 for Water Service and the City's CCN No. 20361 for Sewer Service.

On or about October 21, 2021, S2 requested "will-serve letters" from the City to provide water and wastewater service so that S2 could develop the Property. Such request reflected that S2 needed sufficient water and wastewater service to serve 200 single family residential units in Phase 1 and a total of 656 single family residential units for the full development of the Property. These will-serve letters are required to have a complete final plat submittal for Phase 1 of the Property. On March 17, 2022, S2 submitted its final plat, which was rejected for lack of said will-serve letters.

Immediately upon the City's receipt of S2's request for the will-serve letters, City staff verbally advised S2 that the City would not look favorably upon such request (i) because the Property is located outside the corporate limits of the City, and (ii) because of the "density" of the development i.e. the proposed development being residential lots with a combination of 40' (4,800 square feet) and 50' (6,000 square feet) front lot width lots. Under the City's existing ordinances, the minimum sized single family residential lot allowed within the corporate limits of the City is a lot with an 80' front lot width (8,000 square feet).

On or about November 2, 2021, the City advised S2 that prior to the City providing the will-serve letters, the City would require S2 to engage the services of the City's consulting engineers (Birkhoff, Hendricks & Carter LLP ("BHC")) to conduct a water and wastewater study with regard to the City serving the Property.

Prior to the City advising S2 that the City would require the engineering study and continuously thereafter, in response to questions from S2 as to why it was taking the City so long to respond to S2's request for the will-serve letters, members of the City's staff and the City's legal counsel continually commented to S2 that the City is opposed to the "density of the development" and the Property being developed outside the corporate limits of the City. An example of such communication from the City is the below email (February 14, 2022) from Mr. Robert Brown, attorney for the City, in response to S2's lawyer's complaint as to how long it was taking the City to complete the engineering study:

> "Art,
>
> Here is what I am being told. At this time, the City is awaiting a final response for the water and sanitary sewer analysis from the City's consultant engineer. The City received a draft report last week, reviewed the information, and met with the consultant engineer on February 9, 2022. At the meeting, they discussed needing clarifications regarding some of the results, which the City is currently awaiting answer before the report is released.

> At that time, the City will be better able to discuss its ability/willingness to serve this proposed ETJ development. With what has been proposed to date, however, the City does not deem it as a development beneficial to the City and the City remains open to a number of potential development options (based on the willingness of the applicant), including, but not limited to, annexation/zoning; decertifying and not serving at all; or developer considering a lower density septic development" (emphasis added). Exhibit "B".

Clearly, the City as the CCN holder, has no right to be considering its "willingness" to serve or whether such development is a "development beneficial to the City". Likewise, the City has no right to advise S2 that the City will look more favorably upon serving the Property depending upon "annexation/zoning" of the Property or "lower density".

On February 28, 2022, S2 received two (2) reports from BHC ("Engineering Reports"). *See* Birkhoff, Hendricks & Carter LLP Memorandum, dated February 24, 2022 Subject: Proposed Cole Ranch Development, Grove, Cole and Mustang Creek Basins Wastewater System Capacity (Exhibit "C"), and Birkhoff, Hendricks & Carter LLP Memorandum, dated February 28, 2022 Subject: Proposed Cole Ranch Development Water and Wastewater System Capacity Analysis, (Exhibit "D").

A. Wastewater

In the Engineering Reports, BHC reviewed the ability of the City to include the projected wastewater from the Property into the City's existing wastewater lines. The Engineering Reports state the sewer lines that would serve the Property can carry flow of 9.3 mgd and 9.7 mgd. The Engineering Reports do not state the current flows in such lines. Nor do the Engineering Reports reflect the current and projected flows from developments where the City has existing will-serve letters or other commitments. Rather, BHC includes in their calculations "known (platted or partially constructed) developments plus "four (4) prospective developments inside the City Limits

that are anticipated to generate a total of 4.7 mgd peak wastewater flow. (emphasis added). S2 has repeatedly requested back-up from the City regarding these calculations and for the City to identify these "four (4) prospective developments" and the City has refused to provide any of such information.

After taking into consideration these un-named "prospective developments inside the City Limits" BHC concludes "the existing wastewater collection system does not have adequate capacity to support the known entitled developments (emphasis added) within the City Limits". Apparently, the un-named "four (4) prospective developments" referenced in the February 24, 2022 Engineering Report became "entitled developments" in the February 28, 2022 Report.

The Engineering Reports conclude that the City cannot include the wastewater from the First Phase of the Property into the City's existing wastewater lines and that the only way for the City to serve any of the requested development is by S2 building a 48" wastewater line, at a cost of $6,940,000.00, an amount the City knows makes the development of the Property unfeasible.

B. Water

In the Engineering Reports, the City provides alternatives for serving either Phase 1 of the Property (200 lots) or the entirety of the Property (656 lots). In response to S2's request for a will serve letter consistent with the Engineering Reports for Phase 1, the City has refused to provide such will-serve letter.

C. Summary

S2 believes that based upon (i) the continued comments from City staff, (ii) the long delays in the City addressing S2's request for will serve letters, and (iii) the long delayed Engineering Reports ultimately concluding that the City cannot provide wastewater service to Property from its existing facilities because it is committing capacity for four (4) unknown proposed

developments (now "entitled"), that the City is refusing to serve the Property solely because the Property is located outside the corporate limits of the City and because the density is greater than the City prefers (i.e. the lot sizes are smaller than the City prefers). Likewise, for no known reason, the City is refusing to provide a will-serve letter for Phase 1 of the Property for water service.

As the CCN holder, the City is obligated to provide water and wastewater service under section 13.250 of the Texas Water Code and 16 Texas Administrative Code section 24.247. TEX. WATER CODE §13.250; 16 TEX. ADMIN. CODE §24.247. However, after S2's valid request to the City for water and wastewater service to the Property, the City effectively has refused to provide water and wastewater service to the Property. As a result, S2 files this Complaint requesting a finding and order that the City be required to provide wastewater service to the Property from the City's existing wastewater facilities and water for Phase 1 of the Property in accordance with the Engineering Reports.

II. Legal Authority and Complaint

Any retail public utility that possesses a CCN is required to serve every consumer within its certified area and shall render continuous and adequate service within the area. *See* TEX. WATER CODE §13.250. The Texas Water Code also provides that the CCN holder shall not impair service to a certified service area or part of a certified service area except for nonpayment, nonuse, or other similar reason. Similarly, 16 Texas Administrative Code section 24.247 states:

> (a) *Any retail public utility which possesses* or is required by law to possess *a certificate of convenience and necessity* or a person who possesses facilities used to provide utility service *must provide continuous and adequate service to every customer and every qualified applicant for service whose primary point of use is within the certificated area and may not* discontinue, reduce or *impair utility service* except for nonpayment nonuse, or other similar reason.

TEX. ADMIN. CODE §24.247 (emphasis added).

In addition, under 16 Texas Administrative Code section 24.157 a utility may only decline to serve a service applicant for the following reasons:

> (1) the service applicant is not in compliance with state or municipal regulations applicable to the type of service requested;
> (2) the service applicant is not in compliance with the rules and regulations of the utility governing the type of service requested which are in its approved tariff on file with the commission;
> (3) the service applicant is indebted to any utility for the same type of service as that requested. However, in the event the indebtedness of the service applicant is in dispute, the service applicant shall be served upon complying with the deposit requirements in §24.159 of this title (relating to the Service Applicant and Customer Deposit) and upon a demonstration that the service applicant has complied with all of the provisions of §24.165(1) of this title (relating to Billing);
> (4) the service applicant's primary point of use is outside the certificated area;
> (5) standby fees authorized under §24.165(p) of this title have not been paid for the specific property or lot on which service is being requested; or
> (6) the utility is prohibited from providing service under Vernon's Texas Civil Statues, Local Government Code, §212.012 or §232.029.

TEX. ADMIN. CODE §24.157

Here, the City, which possesses water and wastewater CCNs encompassing the Property impaired both water and wastewater service to the Property in violation of Texas Water Code section 13.250 and 16 Texas Administrative Code section 24.247. While the law provides that the City must provide continuous and adequate service to this Property, it has refused to do so. Moreover, it has no valid basis to deny service, under Texas Administrative Code section 24.157. The City's stated reason for its refusal it that: (1) the Property lies outside the corporate limits of the City, and (2) the City does not like the density of the development. These are not valid reasons to decline or impair water and wastewater service under Texas law. Accordingly, S2 submits its formal Complaint and, requests a finding and order that the City is required to provide wastewater service to the Property from the City's existing facilities and provide water service for Phase 1 of the Property consistent with the Engineering Reports.

III. Conclusion and Prayer

WHERFORE, for the above-stated reasons, Complainant requests a finding order that the City is required to provide service to the Property.

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 COMPLAINANT

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2022, a true and correct copy of the foregoing document was sent, via certified mail, return receipt requested to the following recipient at the address indicated.

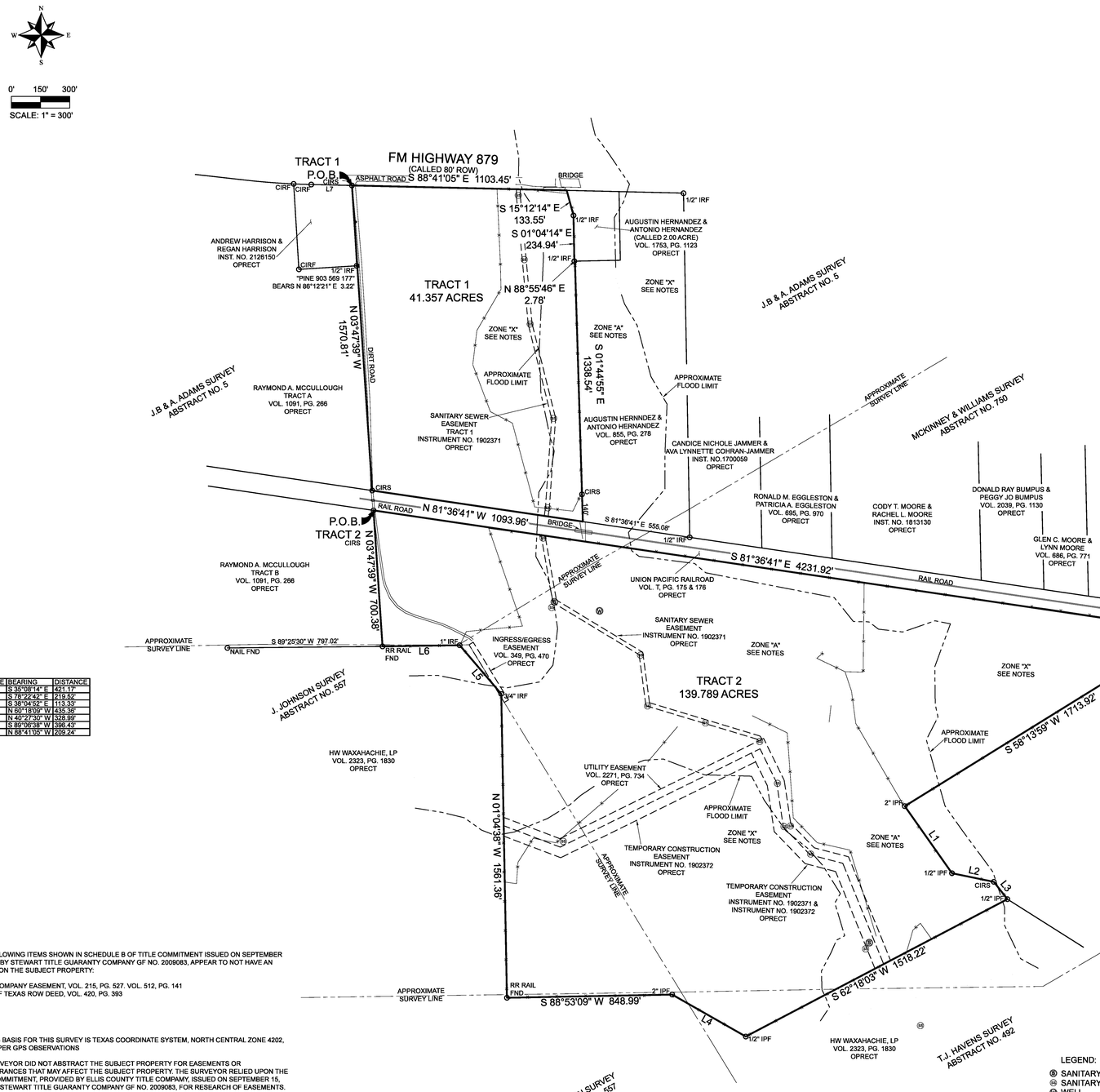
David R. Bailey
Senior Director of Utilities
City of Waxahachie
P.O. Box 757
Waxahachie, Texas 75168

_____

Natalie B. Scott

EXHIBIT "A"

The Property



LINE	BEARING	DISTANCE
L1	S 35°08'14" E	421.17'
L2	S 78°22'42" E	219.52'
L3	S 38°04'52" E	113.33'
L4	N 60° 18'09" W	435.36'
L5	N 40°27'30" W	328.89'
L6	S 89°06'38" W	396.43'
L7	N 88°41'05" W	209.24'

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT ISSUED ON SEPTEMBER 15, 2020, BY STEWART TITLE GUARANTY COMPANY GF NO. 2009083, APPEAR TO NOT HAVE AN AFFECT ON THE SUBJECT PROPERTY:

TEXAS COMPANY EASEMENT, VOL. 215, PG. 527. VOL. 512, PG. 141
STATE OF TEXAS ROW DEED, VOL. 420, PG. 393

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83, PER GPS OBSERVATIONS

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY. THE SURVEYOR RELIED UPON THE TITLE COMMITMENT, PROVIDED BY ELLIS COUNTY TITLE COMPAMY, ISSUED ON SEPTEMBER 15, 2020, BY STEWART TITLE GUARANTY COMPANY GF NO. 2009083, FOR RESEARCH OF EASEMENTS.

UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPURTENANCES.

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - ZONE "A" - DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0200F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

LEGEND:

- Ⓢ SANITARY SEWER AIR RELEASE
- Ⓢ SANITARY SEWER MANHOLE
- Ⓦ WELL
- FENCE LINE (VARIOUS TYPES)
- ● 1/2" IRF (UNLESS OTHERWISE NOTED)
- CIRS 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
- CIRF 5/8" IRON ROD WITH CAP STAMPED "RPLS 5674" FOUND
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- OPRECT OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
- (XXX) INDICATE RECORD OR DEED CALLS
- ROW RIGHT-OF-WAY

PROPERTY DESCRIPTION: TRACT 1

BEING A TRACT OF LAND SITUATED IN THE J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO CAROL JENKINS BOWMAN AND KATHLEEN JENKINS, RECORDED IN VOLUME 2561, PAGE 415, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID JENKINS TRACT AND THE COMMON NORTHEAST CORNER A TRACT OF LAND DESCRIBED IN DEED TO ANDREW HARRISON AND REGAN HARRISON, RECORDED IN INSTRUMENT NO. 2128150, OPRECT, AND BEING IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF F.M. HIGHWAY 879 (A CALLED 80' ROW), FROM WHICH A 5/8" IRON ROD FOUND BEARS N 88°41'05" W 209.28 FEET;

THENCE S 88°41'05" E, ALONG THE NORTH LINE OF SAID JENKINS TRACT AND THE COMMON SOUTH ROW LINE OF SAID F.M. HIGHWAY 879, A DISTANCE OF 1103.45 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF A CALLED 2.00 ACRE TRACT OF LAND DESCRIBED IN DEED TO AUGUSTIN HERNANDEZ AND ANTONIO HERNANDEZ, RECORDED IN VOLUME 1753, PAGE 1123, OPRECT;

THENCE S 15°12'14" E, ALONG THE WEST LINE OF SAID HERNANDEZ TRACT, A DISTANCE OF 133.55 FEET A 1/2" IRON ROD FOUND FOR ANGLE POINT IN THE WEST LINE OF SAID 2.00 ACRE HERNANDEZ TRACT;

THENCE S 01°04'41" E, ALONG THE WEST LINE OF SAID 2.00 ACRE HERNANDEZ TRACT, A DISTANCE OF 234.94 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID HERNANDEZ TRACT;

THENCE N 88°55'46" E, ALONG THE SOUTH LINE OF SAID 2.00 ACRE HERNANDEZ TRACT, A DISTANCE OF 2.78 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN THE EAST LINE OF SAID JENKINS TRACT AND THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO AUGUSTIN HERNANDEZ AND ANTONIO HERNANDEZ, RECORDED IN VOLUME 855, PAGE 278, OPRECT;

THENCE S 01°44'55" E, ALONG THE EAST LINE OF SAID JENKINS TRACT AND THE COMMON WEST LINE OF SAID HERNANDEZ TRACT, PASSING AT A DISTANCE OF 1198.54 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 1338.54 FEET TO THE INTERSECTION OF THE EAST LINE OF SAID JENKINS TRACT AND THE NORTH LINE OF A UNION PACIFIC RAILROAD (UPRR) ROW, RECORDED IN CABINET T, PAGE 175 AND VOLUME T, PAGE 176, OPRECT AND THE SOUTHWEST CORNER OF SAID HERNANDEZ TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID HERNANDEZ TRACT, BEARS S 81°36'41" E, A DISTANCE OF 555.08 FEET;

THENCE N 81°36'41" W, OVER AND ACROSS SAID JENKINS TRACT AND ALONG THE NORTH LINE OF SAID UPRR ROW, A DISTANCE OF 1093.96 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE INTERSECTION OF THE WEST LINE OF SAID JENKINS TRACT AND THE NORTH LINE OF SAID UPRR ROW, FOR THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT A IN DEED TO RAYMOND A. MCCULLOUGH, RECORDED IN VOLUME 1091, PAGE 266, OPRECT;

THENCE N 03°47'39" W, ALONG THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON EAST LINE OF SAID MCCULLOUGH TRACT, PASSING AT A DISTANCE OF 1157.32 FEET A 1/2" IRON ROD WITH CAP STAMPED "PINE 903 569 177" FOUND FOR THE SOUTHEAST CORNER OF SAID HARRISON TRACT, BEARS N 86°12'21" W, A DISTANCE OF 3.22 FEET, CONTINUING ALONG THE WEST LINE OF SAID JENKINS TRACT, A TOTAL DISTANCE OF 1570.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 41.357 ACRES OF LAND MORE OR LESS.

PROPERTY DESCRIPTION: TRACT 2

BEING A TRACT OF LAND SITUATED IN THE J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5, THE MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 750, THE J. JOHNSON SURVEY, ABSTRACT NO. 557, AND THE T.J. HAVENS SURVEY, ABSTRACT NO. 492, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO CAROL JENKINS BOWMAN AND KATHLEEN JENKINS, RECORDED IN VOLUME 2561, PAGE 415, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE INTERSECTION OF THE WEST LINE OF SAID JENKINS TRACT AND THE SOUTH LINE OF A UNION PACIFIC RAILROAD (UPRR) ROW, RECORDED IN VOLUME T, PAGE 175 AND VOLUME T, 176, OPRECT, FOR THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT B IN DEED TO RAYMOND A. MCCULLOUGH, RECORDED IN VOLUME 1091, PAGE 266, OPRECT AND IN THE SOUTH LINE OF

THENCE S 81°36'41" E, OVER AND ACROSS SAID JENKINS TRACT AND ALONG THE SOUTH LINE OF SAID UPRR ROW, A DISTANCE OF 4231.92 FEET TO A 2" IRON PIPE FOUND FOR AN EAST CORNER OF SAID JENKINS TRACT, IN THE COMMON NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO PAT LYNN GARDENHIRE, TRUSTEE FOR THE BENEFIT OF MICHAEL PATRICK GARDENHIRE, JEFFREY LYNN GARDENHIRE AND BELINDA ANN GARDENHIRE, RECORDED IN VOLUME 1902, PAGE 409, OPRECT;

THENCE S 58°13'59" W, ALONG A SOUTHEAST LINE OF SAID JENKINS TRACT THE COMMON NORTHWEST LINE OF SAID GARDENHIRE TRACT, A DISTANCE OF 1713.92 FEET TO A 2" IRON PIPE FOUND FOR AN INTERIOR ELL CORNER OF SAID JENKINS TRACT AND THE COMMON NORTHWEST CORNER OF SAID GARDENHIRE TRACT;

THENCE, ALONG THE EAST LINES OF SAID JENKINS TRACT AND THE COMMON WEST LIENS OF SAID GARDENHIRE TRACT, AS FOLLOWS:

S 35°08'14" E, A DISTANCE OF 421.17 FEET TO A 1/2" IRON PIPE FOUND FOR CORNER;

S 78°22'42" E, A DISTANCE OF 219.52 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

S 38°04'52" E, A DISTANCE OF 113.33 FEET TO A 1/2" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO HW WAXAHACHIE, LP, RECORDED IN VOLUME 2323, PAGE 1830, OPRECT;

THENCE ALONG THE NORTH LINES OF SAID HW WAXAHACHIE TRACT, AS FOLLOWS:

S 62°18'03" W, A DISTANCE OF 1518.22 FEET TO A 1/2" IRON PIPE FOUND FOR CORNER;

N 60°18'09" W, A DISTANCE OF 435.36 FEET TO A 2" IRON PIPE FOUND FOR AN ANGLE POINT IN THE SOUTH LINE OF SAID JENKINS TRACT AND A COMMON ANGLE POINT IN THE NORTH LINE OF SAID HW WAXAHACHIE TRACT;

THENCE, S 88°53'09" W, ALONG THE SOUTH LINE OF SAID JENKINS TRACT AND THE COMMON NORTH LINE OF SAID HW WAXAHACHIE TRACT, A DISTANCE OF 848.99 FEET TO A RAILROAD SPIKE FOUND FOR THE SOUTHWEST CORNER OF SAID JENKINS TRACT AND AN INTERIOR ELL CORNER IN THE NORTH LINE OF SAID HW WAXAHACHIE TRACT;

THENCE ALONG THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON EAST LINE OF SAID HW WAXAHACHIE TRACT, AS FOLLOWS:

N 01°04'38" W, A DISTANCE OF 1561.36 FEET TO A 3/4" IRON ROD FOUND FOR CORNER;

N 40°27'30" W, A DISTANCE OF 328.99 FEET TO A 1" IRON ROD FOUND FOR AN ANGLE POINT IN THE WEST LINE OF SAID JENKINS TRACT AND A COMMON NORTHEAST CORNER OF SAID HW WAXAHACHIE TRACT;

THENCE S 89°06'38" W, ALONG A SOUTH LINE OF SAID JENKINS TRACT AND A COMMON NORTH LINE OF SAID HW WAXAHACHIE TRACT, A DISTANCE OF 396.43 FEET TO A RAILROAD RAIL FOUND FOR ELL CORNER IN THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON SOUTHEAST CORNER OF SAID MCCULLOUGH TRACT, FROM WHICH A NAIL FOUND, BEARS S 89°25'30" W, A DISTANCE OF 797.02 FEET;

THENCE N 03°47'39" W, ALONG THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON EAST LINE OF SAID MCCULLOUGH TRACT, A DISTANCE OF 700.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 139.789 ACRES OF LAND MORE OR LESS.

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SURVEY PER THE DESCRIPTION SHOWN HEREON. THE SIZE LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE AS SHOWN.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION IV SURVEY.

STATE OF TEXAS
REGISTERED
TIMOTHY L. JACKSON
5644
PROFESSIONAL
LAND SURVEYOR

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

DATED: 01/19/2021
REVISED: 02/03/2021
REVISED: 02/05/2021
REVISED: 06/21/2021

LAND TITLE SURVEY
TRACT 1 - 41.357 ACRES

SITUATED IN THE

J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5

TRACT 2 - 139.789 ACRES

SITUATED IN THE

J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5,
MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 750,
J. JOHNSON SURVEY, ABSTRACT NO. 557
AND THE
T.J. HAVENS SURVEY, ABSTRACT NO. 492
ELLIS COUNTY, TEXAS

PROJECT NO. 1728

TEXAS REALITY CAPTURE & SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194359

TXRCS
TEXAS REALITY CAPTURE & SURVEYING LLC

EXHIBIT "B"

Email from Robert Brown to Art Anderson, Attorney for S2

Michaela Z. Powell

From: Anderson, Art <aanderson@winstead.com>
Sent: Tuesday, February 22, 2022 10:04 AM
To: Robert Brown
Subject: RE: Waxahachie Discussion w/ S2 Land Development

Robert, please have the City's response delivered to our clients no later than Monday, February 28. This matter has dragged on way too long. It is important that the city analyze the City's water and sanitary situation without considering what the City believes will be a development beneficial to the city. As the CCN holder the City has the absolute legal obligation to serve this property located outside of its corporate limits if it has capacity to serve. The utility analysis should not be used as leverage on our client with respect to its development. We look forward to receiving the analysis no later than Monday of next week. Art

---

From: Robert Brown <rbrown@bhlaw.net>
Sent: Monday, February 14, 2022 11:23 AM
To: Anderson, Art <aanderson@winstead.com>
Subject: RE: Waxahachie Discussion w/ S2 Land Development

Art,

Here is what I am being told. At this time, the City is awaiting a final response for the water and sanitary sewer analysis from the City's consultant engineer. The City received a draft report last week, reviewed the information, and met with the consultant engineer on February 9, 2022. At the meeting, they discussed needing clarifications regarding some of the results, which the City is currently awaiting answers before the report is released.

At that time, the City will be better able to discuss its ability/willingness to serve this proposed ETJ development. With what has been proposed to date, however, the City does not deem it as a development beneficial to the City and the City remains open to a number of potential development options (based on the willingness of the applicant), including, but not limited to, annexation/zoning; decertifying and not serving at all; or developer considering a lower density septic development.

From: Robert Brown <rbrown@bhlaw.net>
Sent: Thursday, February 10, 2022 7:09 PM
To: Anderson, Art <aanderson@winstead.com>
Subject: Re: Waxahachie Discussion w/ S2 Land Development

I've seen some emails, but haven't spoken to anyone to get the back story, but I will.

From: Anderson, Art <aanderson@winstead.com>
Sent: Thursday, February 10, 2022 6:03 PM
To: Robert Brown <rbrown@bhlaw.net>
Subject: Re: Waxahachie Discussion w/ S2 Land Development

Thanks. I saw that you were copied on at least one email. Let me know

Get Outlook for iOS

From: Robert Brown <rbrown@bhlaw.net>
Sent: Thursday, February 10, 2022 5:43:59 PM
To: Anderson, Art <aanderson@winstead.com>
Subject: RE: Waxahachie Discussion w/ S2 Land Development

Art,

I haven't been in the loop on this matter. Let me reach out to the City to see what I can find out.

From: Anderson, Art <aanderson@winstead.com>
Sent: Wednesday, February 9, 2022 4:58 PM
To: Robert Brown <rbrown@bhlaw.net>
Cc: Justin Christ <Justin.Christ@S2LD.com>; jgaertner@waxahachie.com; moran.massey@waxahachie.com; morgan.massey@waxahachie.com; dbailey@waxahachie.com; dchaney@bhcllp.com
Subject: Waxahachie Discussion w/ S2 Land Development

Robert, please review the attached demand letter and give me a call. Our client's development application has been pending for several months with no action and needs to be approved asap. thanks, Art

EXHIBIT "C"

Memorandum dated February 24, 2022
Proposed Cole Ranch Development Water and Wastewater Systems Capacity Analysis

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Texas Firm F526 RPLS Firm No. 100318-00
11910 Greenville Ave., Suite 600 Dallas, Texas 75243 Fax (214) 461-8390 Phone (214) 361-7900

MEMORANDUM

To: Mr. James Gaertner, P.E., CFM, CPM
Director of Public Works and Engineering, City of Waxahachie

From: Derek B. Chaney, P.E., R.P.L.S.

Date: February 24, 2022

Subject: Proposed Cole Ranch Development
Grove, Cole and Mustang Creek Basins Wastewater System Capacity

STATE OF TEXAS
DEREK B. CHANEY
107199
LICENSED
PROFESSIONAL ENGINEER

02/24/2022

As you requested, we have extended our analysis of the City of Waxahachie's existing wastewater collection system capacity to support the proposed Cole Ranch development. The proposed Cole Ranch development is located east of US Highway 287 Bypass and south of Palmer and Boyce Road, in the City's Extraterritorial Jurisdiction (ETJ) area. The two development phases proposed include 656 single family residential units on approximately 182 acres. Figure 1 shows the location of the proposed Cole Ranch Development.

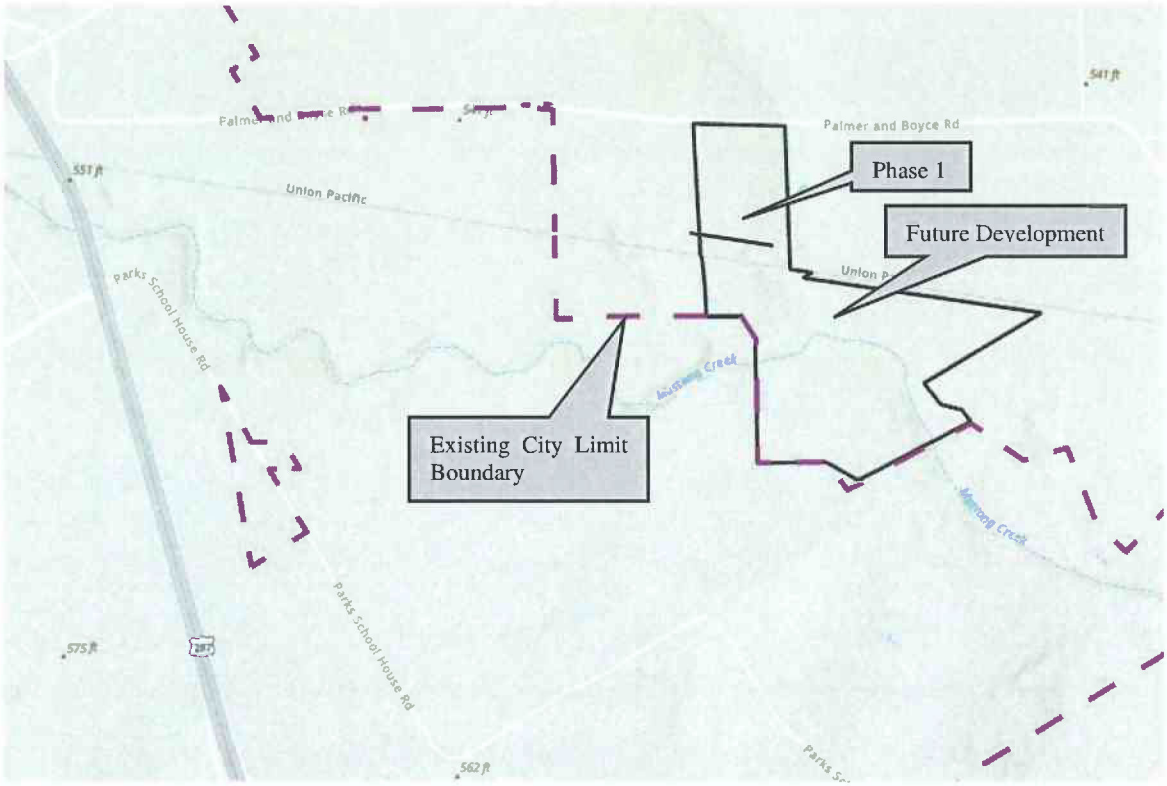


***Figure 1** – Proposed Development Location*

In this analysis, the other *known* (platted or partially-constructed) developments in the Grove Creek, Cole Creek and Mustang Creek major wastewater collection basins were considered. While many of these developments are located upstream of the proposed Cole Ranch development, they are served by the same downstream collection system. Twenty-three (23) entitled developments within the current City Limits were identified in these wastewater collection basins, which are almost entirely residential. It was estimated that upon completion of these identified developments, the system will have added a total of approximately 2,950-single-family residential lots on 1,000-acres of land inside of the City Limits, and 2.4-MGD of peak wastewater flow upstream of the proposed Cole Ranch development in the Cole Creek and Grove Creek Basins. This estimated growth was assessed since the development level during the wastewater hydraulic model update and spring 2020 flow monitoring investigation. Additionally, we identified four (4) prospective developments inside the City Limits that are anticipated to generate a total of 4.7-MGD peak wastewater flow (PWWF). An additional PWWF of 0.22-MGD for Phase 1 and 0.50-MGD for Phase 2 are estimated for the proposed Cole Ranch development. In total, the ongoing and prospective developments included in the analysis are anticipated to generate 7.7-MGD PWWF once fully occupied.

Existing trunk sewer, lift station and force main capacities, and planned upgrade capacities, were compared to the projected PWWF in the existing and known future development scenarios. The known development flows were added to the existing model by location. A map showing the facility route of the capacity analysis, as well as the known and prospective developments in the basin, is attached hereto as **Exhibit A**.

EXISTING WASTEWATER COLLECTION SYSTEM ANALYSIS

Exhibit A identifies design points 'A' through 'F' to indicate the major facility sections in the analysis. Below are summaries of the capacity of each, alongside the estimated existing and future peak flows. The estimated peak flow generation by proposed Cole Ranch, 0.77-MGD, is included in the 'Known Development' PWWF future flow rates beginning with Section C-D below.

- **Section A-B:** 18" Grove Creek Trunk Sewer
  - Existing Capacity: 3.8-MGD
  - Proposed Capacity: 15.1-MGD (w/ Parallel 27")
  - Existing PWWF: 4.9-MGD
  - Existing + Known Dev. PWWF: 6.8-MGD

- **Point B:** Grove Creek Lift Station & Force Main
  - Existing Capacity: 7.0-MGD
  - Existing PWWF: 5.6-MGD
  - Existing + Known Dev. PWWF: 7.7-MGD

- **Section B-C:** 24" & 27" Cole Creek Trunk Sewer
  - Existing Capacity: 9.3-MGD
  - Existing PWWF: 6.2-MGD
  - Existing + Known Dev. PWWF: 9.7-MGD

- **Section C-D:** 27" Mustang Creek Trunk Sewer
  - Existing Capacity: 9.7-MGD
  - Existing PWWF: 7.7-MGD
  - Existing + Known Dev. PWWF: 15.5-MGD
  - Upgrade Required in existing configuration.

- **Section D-E:** Lower Mustang Creek Lift Station & Force Mains
  - Existing Capacity: 7.0-MGD
  - Proposed Capacity: 13.5-MGD
  - Existing PWWF: 7.7-MGD
  - Existing + Known Dev. PWWF: 15.5-MGD

- **Section E-F:** Northeast Trunk Sewer
  - Existing Capacity: 17.0-MGD
  - Existing PWWF: 17.8-MGD
  - Existing + Known Dev. PWWF: 25.5-MGD
  - Upgrade Required in existing configuration.

These findings conclude that the City's existing wastewater collection system does not have adequate capacity to support the known entitled developments within the City Limits. Substantial improvements will be required to relieve certain deficiencies enumerated above. We are available to discuss this analysis further at your convenience.

cc: (email only)
David Bailey, Director of Utilities

Enclosures: Exhibit A – Cole Ranch Wastewater Exhibit

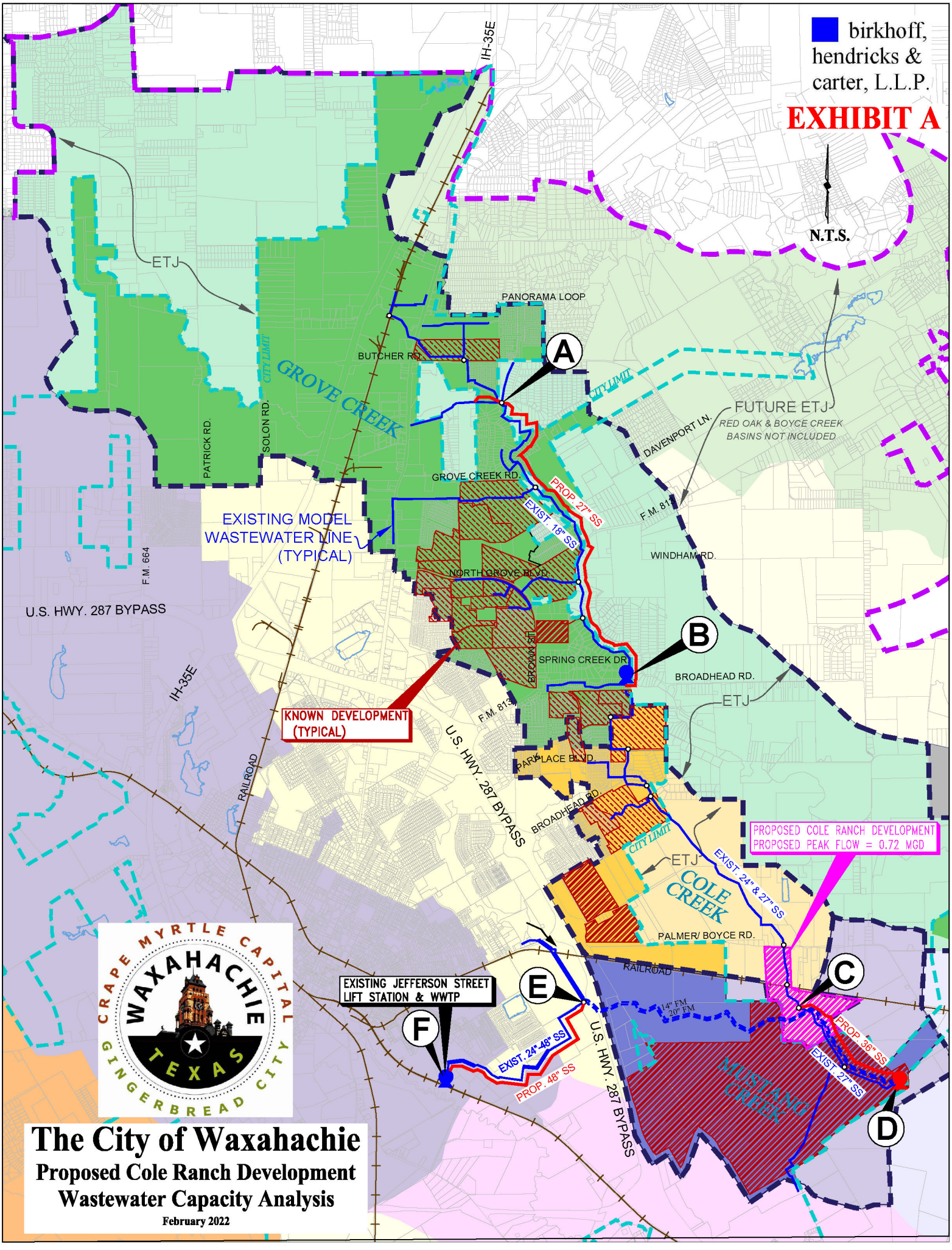

birkhoff, hendricks & carter, L.L.P.
EXHIBIT A
N.T.S.
IH-35E
ETJ
PANORAMA LOOP
BUTCHER RD.
A
CITY LIMIT
GROVE CREEK
PATRICK RD.
SOLON RD.
FUTURE ETJ
RED OAK & BOYCE CREEK BASINS NOT INCLUDED
DAVENPORT LN.
GROVE CREEK RD.
PROP. 27" SS
EXIST. 18" SS
F.M. 813
EXISTING MODEL WASTEWATER LINE (TYPICAL)
WINDHAM RD.
NORTH GROVE BLVD.
F.M. 664
U.S. HWY. 287 BYPASS
B
BROWN ST.
SPRING CREEK DR.
BROADHEAD RD.
ETJ
KNOWN DEVELOPMENT (TYPICAL)
F.M. 813
PARKPLACE BLVD.
RAILROAD
U.S. HWY. 287 BYPASS
BROADHEAD RD.
CITY LIMIT
ETJ
COLE CREEK
PROPOSED COLE RANCH DEVELOPMENT
PROPOSED PEAK FLOW = 0.72 MGD
EXIST. 24" & 27" SS
PALMER/ BOYCE RD.
RAILROAD
C
14" FM
20" FM
PROP. 36" SS
EXIST. 27" SS
MOTANG CREEK
D
EXISTING JEFFERSON STREET LIFT STATION & WWTP
E
F
EXIST. 24"-48" SS
PROP. 48" SS
U.S. HWY. 287 BYPASS
CRAPE MYRTLE CAPITAL
WAXAHACHIE
TEXAS
GINGERBREAD CITY
The City of Waxahachie
Proposed Cole Ranch Development
Wastewater Capacity Analysis
February 2022

EXHIBIT "D"

Memorandum dated February 28, 2022
Proposed Cole Ranch Development Water and Wastewater Systems Capacity Analysis

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Texas Firm F526 RPLS Firm No. 100318-00
11910 Greenville Ave., Suite 600 Dallas, Texas 75243 Fax (214) 461-8390 Phone (214) 361-7900

MEMORANDUM

To: Mr. James Gaertner, P.E., CFM, CPM
Director of Public Works and Engineering, City of Waxahachie

From: Derek B. Chaney, P.E., R.P.L.S.

Date: February 28, 2022

Subject: Proposed Cole Ranch Development
Water and Wastewater Systems Capacity Analysis

STATE OF TEXAS
DEREK B. CHANEY
107199
LICENSED
PROFESSIONAL ENGINEER
02/28/2022

As you requested, we have completed our analysis of the City of Waxahachie's existing water distribution system and wastewater collection system to support the proposed Cole Ranch development. The proposed development is located east of US Highway 287 Bypass and south of Palmer and Boyce Road, in the City's Extraterritorial Jurisdiction (ETJ) area. The two development phases proposed include 656 single family residential units on approximately 182 acres. This analysis estimated water and wastewater needs for the proposed development and assessed the impact of those needs on the capacity of the City's existing water and wastewater systems. Figure 1 shows the general location of the development.

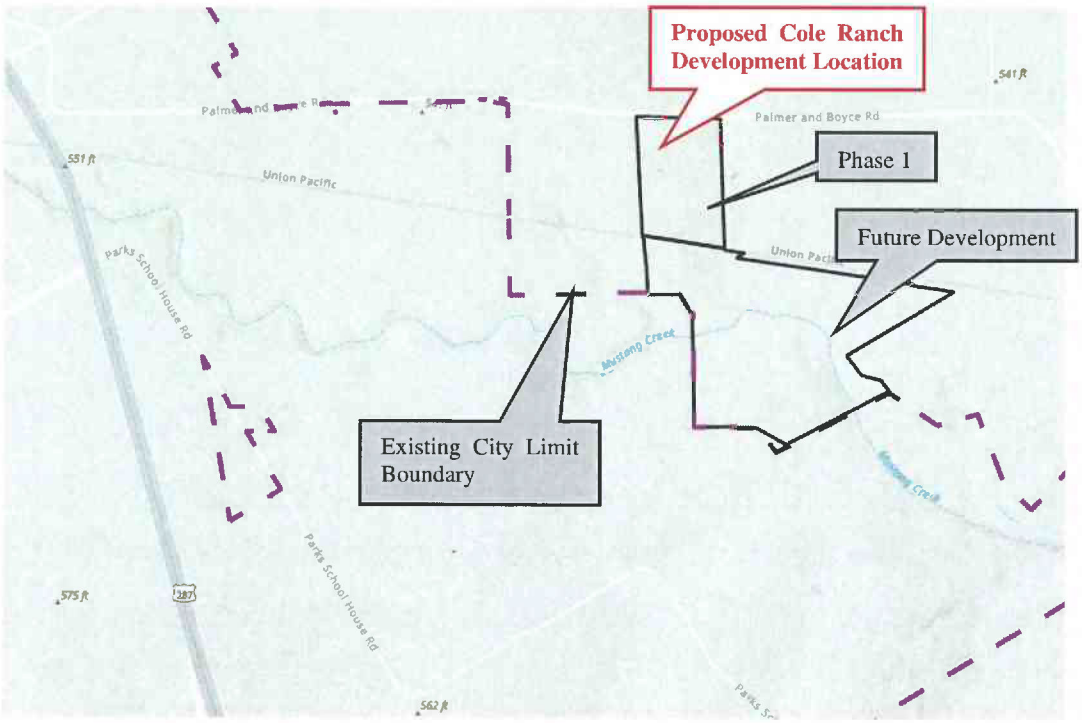


***Figure 1** – Proposed Development Location*

EXISTING WATER DISTRIBUTION SYSTEM ANALYSIS

On behalf of the City of Waxahachie, Birkhoff, Hendricks, & Carter, LLP (BHC) maintains a hydraulic model of the City's existing water distribution system. The existing system demands, and water model associated with the 2020 Impact Fee Update forms the basis for this analysis. To support our analysis, the City provided us with an offsite water line exhibit for the proposed Cole Ranch Development, attached hereto as Exhibit A. The following two model and improvement scenarios were developed for this analysis:

Phase 1 Scenario: Represents initial improvements required to support Phase 1 of the proposed development (198 lots).

Future Development Scenario: Represents improvements required to support all phases of the proposed development (656 total lots).

Figure 2 shows the location of the point of analysis (model junction node 1662) for the existing water distribution system. The proposed max day development demands listed below were divided between a total of 2 model junction nodes within the proposed development for the Phase 1 scenario and a total of 3 model junction nodes for the Future development scenario. As directed by the City, this analysis also includes demands from the 1,230 units of the Saddlebrook development for all scenarios. For this analysis, the following system hydraulic model assumptions have been applied:

1. Model Analysis Type: 72-hour extended period simulation (EPS)
2. Fire Flow Demand: 1,500 gallons per minute (gpm) applied at model junction 1662 for 3-hour duration
3. Minimum Pressure (Fire Flow): 20 psi
4. Minimum Pressure (Normal Conditions): 35 psi
5. Proposed Max Day Development Demand: Phase 1: 198 lots * 3.00 population/lot * 350 gpcd = 207,900 gallons per day (gpd) (rounded to 208,000 gpd)
   Future Development: 656 lots * 3.00 population/lot * 350 gpcd = 688,800 gpd (rounded to 689,000)
6. Future Dev. Scenario Demand Multiplier: 1.10 (Applied to existing demands in Future Development Scenario)

Proposed Single Water Line Feed for Phase 1 Scenario

Based on Exhibit A, the Cole Ranch Development proposes to install a single-feed offsite 12-inch water line with a length of approximately 14,800 linear feet to provide water service for Phase 1 as shown in Figure 2. As shown, the proposed 12-inch water line would connect to the existing 12-inch water line east of US Highway 287 Bypass.

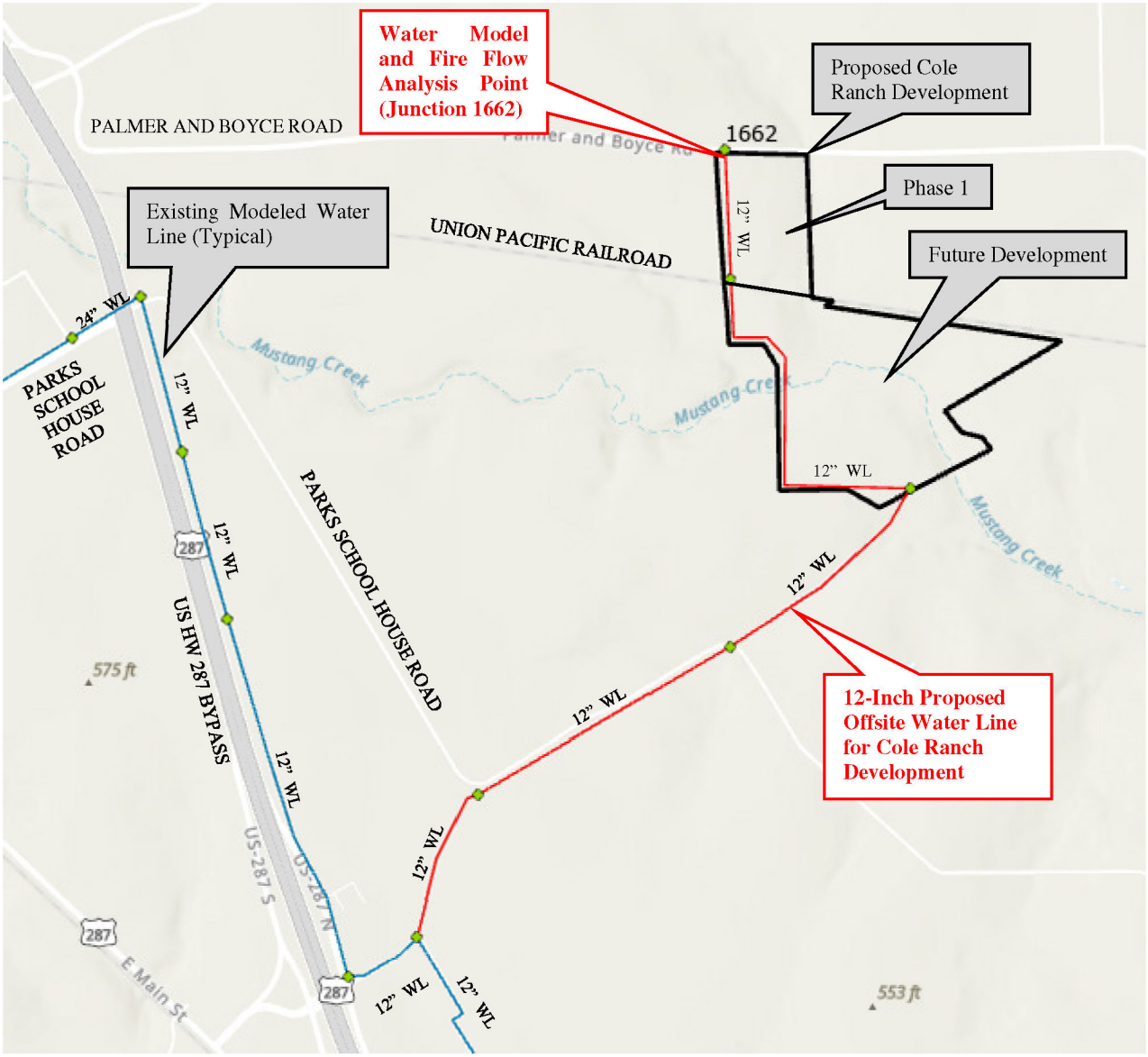


Figure 2 – *Water Model Loading Junctions and Phase 1 Scenario Recommended Improvements*

Existing System w/ Phase 1 Development Scenario & Single WL Feed – Max Day Flow Analysis

Figure 3 shows a graph of the modeled existing system pressures at junction node 1662 after including the maximum daily demand of 0.208 million gallons per day (MGD) for the proposed Phase 1 Cole Ranch Development Scenario. As shown, the minimum system pressure is approximately 65-psi at model junction node 1662, above the 35-psi minimum system requirement established by the Texas Commission on Environmental Quality (TCEQ).

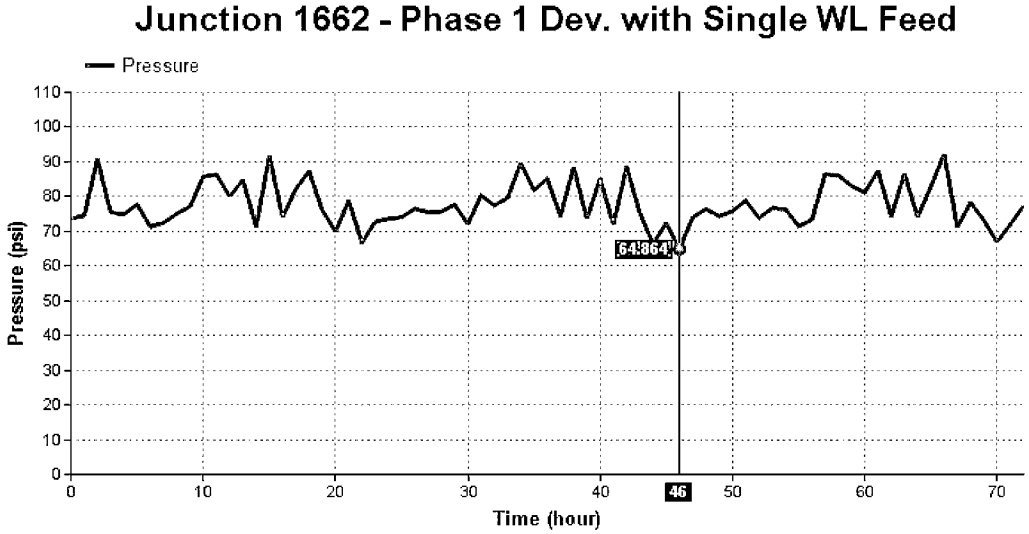


***Figure 3**: Existing System Pressures w/ Phase 1 Development & Single WL Feed Max Day Demand*

Existing System w/ Phase 1 Development Scenario & Single WL Feed – Fire Flow Analysis

Figure 4 shows a graph of the modeled existing system pressures at junction nodes 1662 after including both the maximum day demand of 0.208 MGD and a fire flow demand of 1,500 gpm (2.16 MGD) for 180-minute duration at junction node 1662. As shown, the system pressures drop to approximately 4 psi, below the 20-psi minimum system requirement during firefighting conditions as established by the TCEQ.

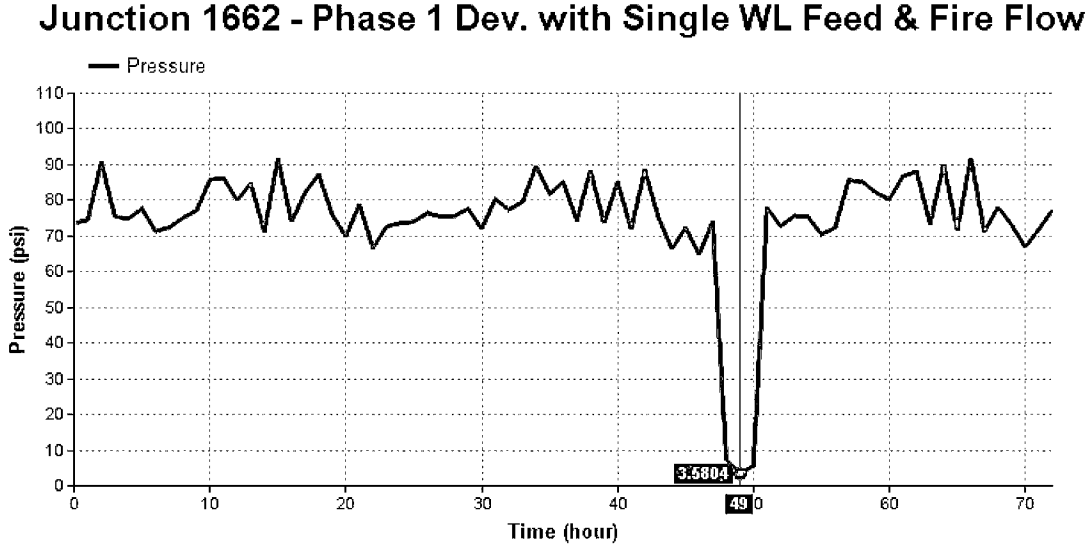


***Figure 4**: Existing System Pressures w/ Phase 1 Development Max Day, Single WL Feed, & Fire Flow (FF) Demand*

Recommended Alternate 12-Inch WL for Phase 1 Scenario

In lieu of the proposed offsite water line south of the development, the recommended Phase 1 Development improvements includes approximately 11,200 linear feet of proposed 12-inch water line along Palmer and Boyce Road. As shown in Figure 5, these alternate improvements provide a connection to the City's existing 24-inch water distribution line located at the intersection of US Highway 287 Bypass and Parks School House Road, and provide adequate fire flow. Our project budget for the recommended Alternate Phase 1 improvements is in the range of $4.0 million.

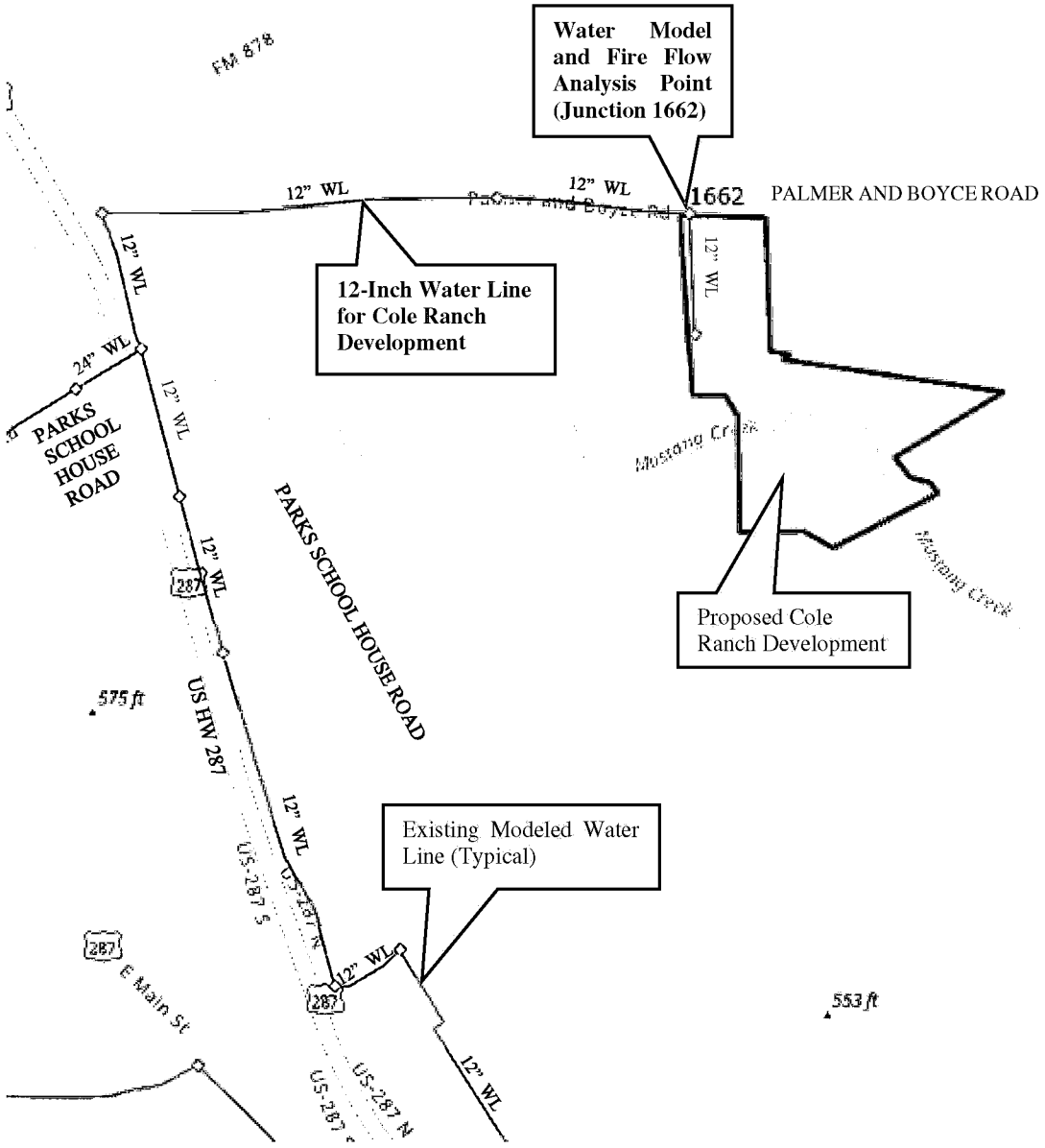


Figure 5 – *Water Model Loading Junctions and Phase 1 Scenario Recommended Alternate Improvements*

Existing System w/ Phase 1 Dev. Scenario & Recommended Alternate 12" WL – Max Day Flow Analysis

Figure 6 shows a graph of the modeled existing system pressures at junction node 1662 based on the Recommended Alternate 12-Inch water line and after including the maximum daily demand of 0.208 million gallons per day (MGD) for the proposed Phase 1 Cole Ranch Development Scenario. As shown, the minimum system pressure is approximately 67-psi at model junction node 1662, above the 35-psi minimum system requirement established by the Texas Commission on Environmental Quality (TCEQ).

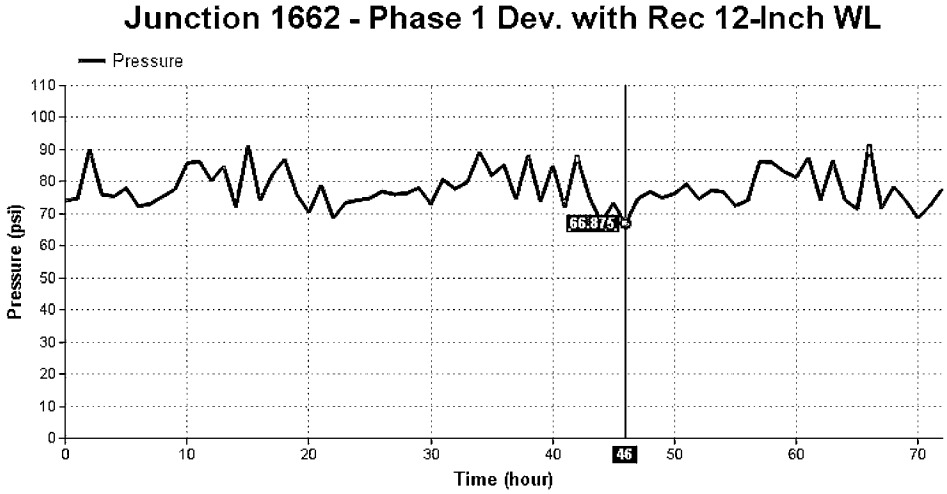


***Figure 6**: Existing System Pressures w/ Phase 1 Development & Alternate Water Line Max Day Demand*

Existing System w/ Phase 1 Dev. Scenario & Recommended Alternate 12" WL – Fire Flow Analysis

Figure 7 shows a graph of the modeled existing system pressures at junction nodes 1662 based on the Recommended Alternate 12-Inch water line and after including both the maximum day demand of 0.208 MGD and a fire flow demand of 1,500 gpm (2.16 MGD) for 180-minute duration at junction node 1662. As shown, the system pressures drop to approximately 29 psi, above the 20-psi minimum system requirement during firefighting conditions as established by the TCEQ.

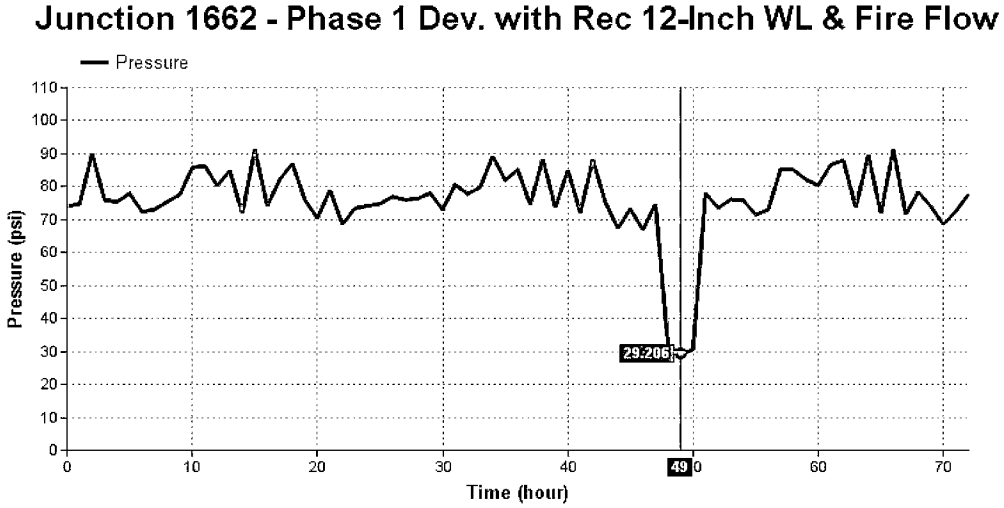


***Figure 7**: Existing System Pressures w/ Phase 1 Development Max Day, Alternate Water Line & Fire Flow (FF) Demand*

Recommended 12-Inch WL loop for Future Development Scenario

This scenario includes the future lots of the Cole Ranch Development which totals 656 lots and requires further improvements. As shown on Figure 8, the recommended Future Development improvements includes approximately 13,200 linear feet of proposed 12-inch water line to provide a looped connection between the proposed development and the existing water distribution system. These improvements are required to provide adequate pressure during fire flow conditions. Our project budget for the recommended Future Development improvements is in the range of $4.7 million.

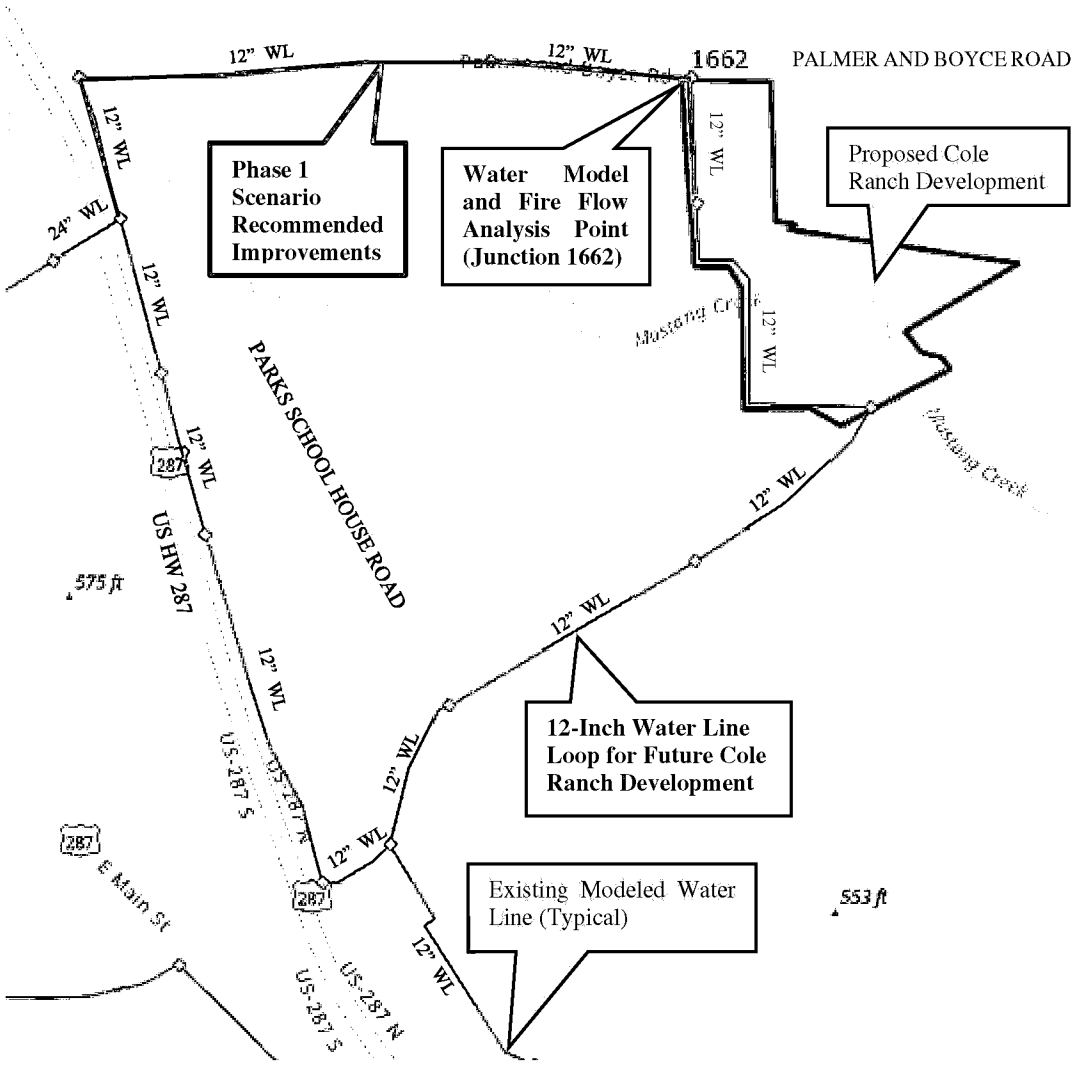


Figure 8 – *Water Model Loading Junctions and Future Development Scenario Recommended Improvements*

Existing System w/ Future Development Scenario & Water Line Loop – Max Day Flow Analysis

Figure 9 shows a graph of the modeled existing system pressures at junction node 1662 after including the maximum daily demand of 0.689 million gallons per day (MGD) for the proposed Future Cole Ranch Development Scenario. As shown, the minimum system pressure is approximately 55-psi at model junction node 1662, above the 35-psi minimum system requirement established by the Texas Commission on Environmental Quality (TCEQ).

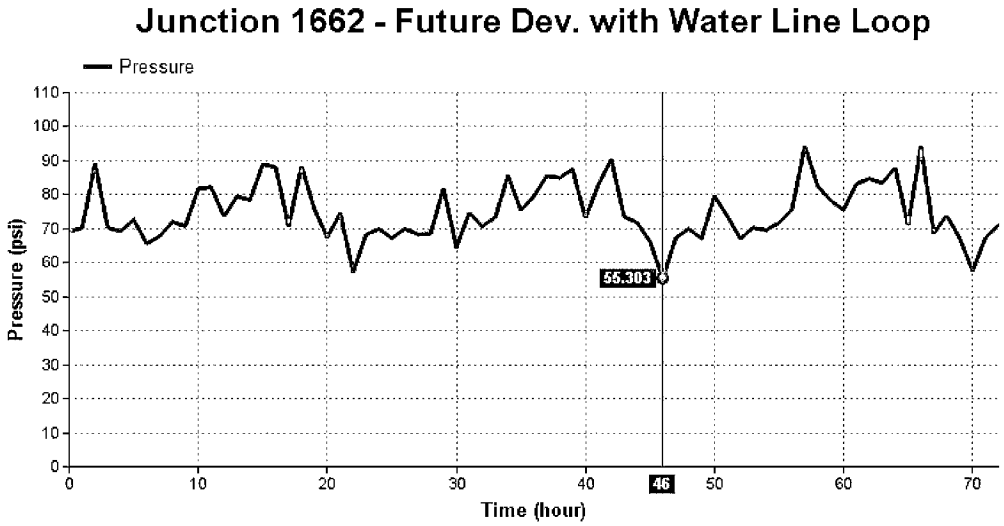


***Figure 9**: Existing System Pressures w/ Future Development & Water Line Loop Max Day Demand*

Existing System w/ Future Development Scenario & Water Line Loop – Fire Flow Analysis

Figure 10 shows a graph of the modeled existing system pressures at junction nodes 1662 after including both the maximum day demand of 0.689 MGD and a fire flow demand of 1,500 gpm (2.16 MGD) for 180-minute duration at junction node 1662. As shown, the system pressures drop to approximately 37 psi, above the 20-psi minimum system requirement during firefighting conditions as established by the TCEQ.

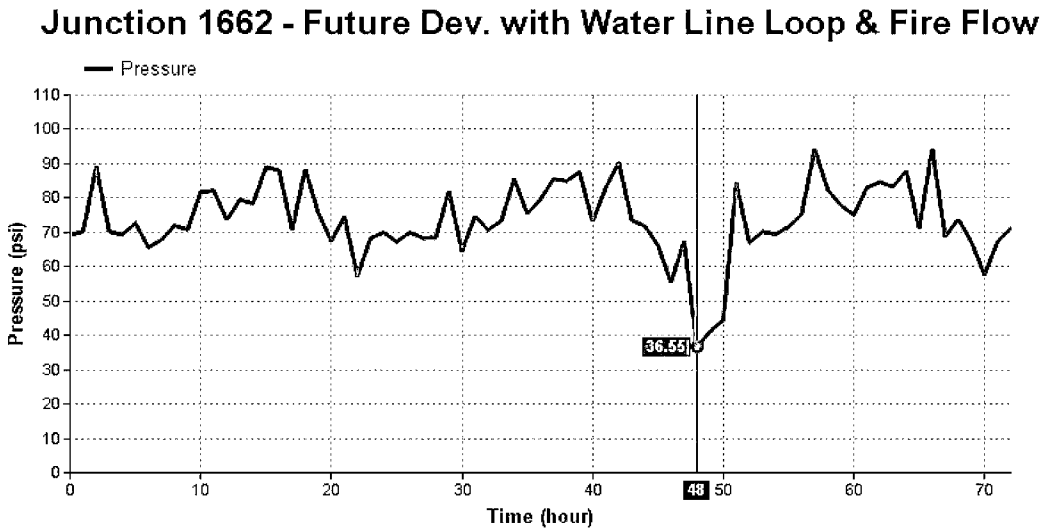


***Figure 10**: Existing System Pressures w/ Future Development Max Day, Water Line Loop & Fire Flow (FF) Demand*

EXISTING WASTEWATER COLLECTION SYSTEM ANALYSIS

BHC also maintains the City of Waxahachie's wastewater system hydraulic model, which was used for this analysis. The existing (2020) model flows were recently calibrated following a systemwide wastewater flow monitoring study in 2020. As shown on Exhibit B, the proposed Cole Ranch Development is situated in lower Cole Creek collection basin of the City's 2016 Wastewater Master Plan, near the junction of Cole Creek with the larger, Lower Mustang Creek. The existing 27-inch diameter Cole Creek Trunk Sewer alignment conveys wastewater southerly, through the proposed development tract. The Lower Mustang Creek Lift Station is located approximately 7,000-linear feet (LF) downstream and is in position to serve the development tract via the existing parallel 14-inch and 20-inch diameter force mains. The Lower Mustang Creek Lift Station discharge is then conveyed to the Jefferson Street Lift Station and the City's existing wastewater treatment plant headworks via approximately 10,100-LF of the 24-inch to 48-inch Northeast Trunk Sewer.

Phase 1 and the future development area of the Cole Ranch development include 198 and 458 single-family residential units, respectively, for a total of 656 units. Future Development peak wastewater flow was estimated for both phases using a housing density of 3-people per unit, a usage rate of 90-gallons per-capita per day (gpcd) and a wet-weather peaking factor of 4. It was estimated that Phase 1 will contribute 0.22-million gallons per day (MGD) of peak wastewater flow to the collection system, and the future development area will contribute 0.50-MGD. The total 0.72-MGD estimated for the proposed development was injected into the wastewater system model at two locations, and the impacts of the additional flow on the existing collection system were assessed. The downstream route analysis terminated immediately upstream of the Jefferson Street Lift Station.

Existing Wastewater System Capacity

Capacity of the existing 27-inch Cole Creek Trunk Sewer, downstream of the proposed Cole Ranch development is in range of 9.3-MGD and the 27-inch Mustang Creek Trunk Sewer capacity is around 9.7-MGD. The existing peak flow in Cole Creek Trunk Sewer is in the range of 6.2-MGD, and in the Mustang Creek Trunk Sewer, with Saddlebrook Lift Station flows added, the estimated existing peak flow is around 7.7-MGD. With proposed Cole Ranch flows added, approximately 80% of the Mustang Creek Trunk Sewer capacity will be occupied and 2-MGD capacity would remain available, as estimated.

The existing Lower Mustang Creek Lift Station currently operates with parallel 14-inch and 20-inch diameter force mains and a pumping capacity around 8-MGD. The City is currently in the design phase to expand the Lift Station to 11-MGD, which will provide capacity to support the proposed development.

The existing 24 to 48-inch Northeast Trunk Sewer, downstream of the Lower Mustang Creek Lift Station force mains, does not have capacity to convey the additional flow generated by the proposed development in a free-flow condition. Existing section capacities, including total capacity of existing parallel pipe sections, average about 17-MGD, and estimated existing peak wastewater flow is in the range of 18-MGD. The wastewater

hydraulic model reports mild surcharge in the Northeast Trunk Sewer under existing conditions, as shown by the model pipe profile in Figure 11. The calculated water surface hydraulic grade line (HGL) exceeds the crown of pipe in the Northeast Trunk Sewer during existing peak wet-weather flow periods.

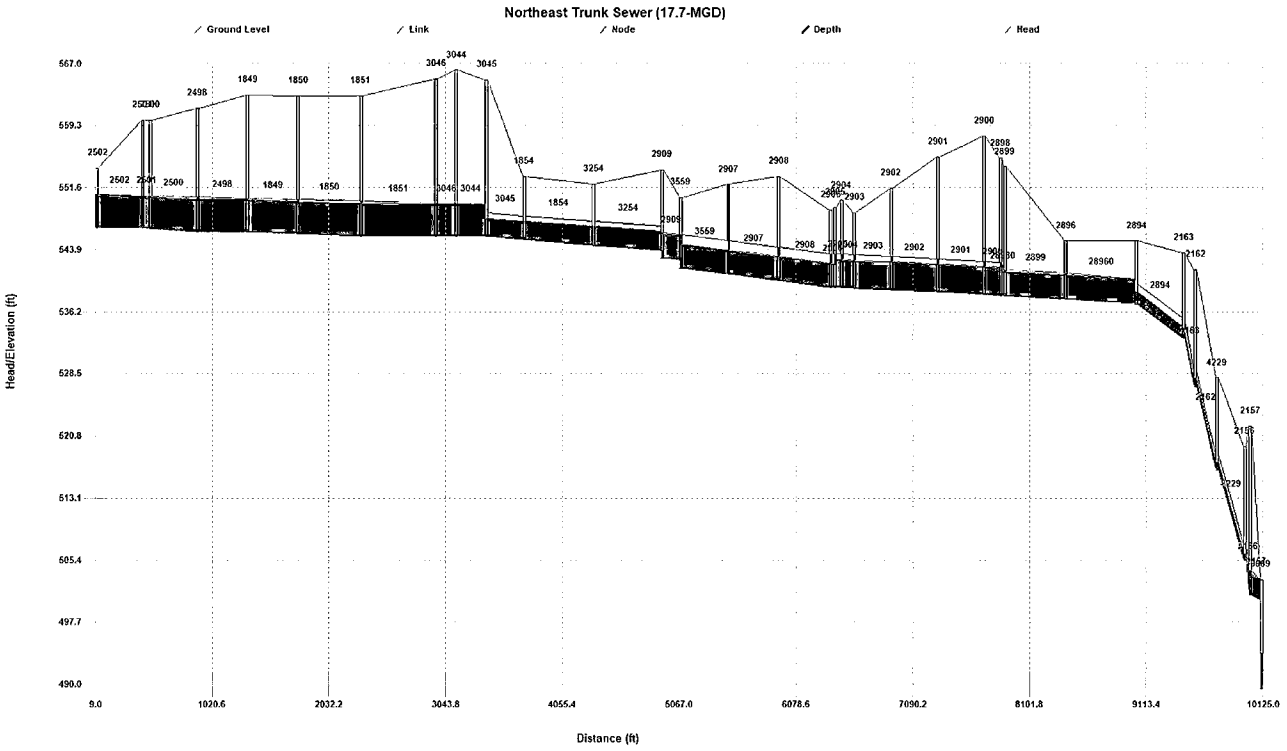


***Figure 11**: Wastewater Hydraulic Model Profile of the Northeast Trunk Sewer Existing Flow Condition*

RECOMMENDED WASTEWATER SYSTEM IMPROVEMENTS

The recommended wastewater system improvements required to support Cole Ranch and other developments in the service area are shown on Exhibit C. The recommended improvements include completion of the capacity upgrades at the Lower Mustang Creek Lift Station and the proposed 48-inch diameter parallel trunk sewer to provide relief for the existing Northeast Trunk Sewer, for the entire length between the entry point of the Lower Mustang Creek Lift Station force mains and the Jefferson Street Lift Station. Total project budgets for the recommended wastewater system improvements are summarized as follows:

- $2,230,000 – Lower Mustang Creek Lift Station Expansion *(currently under design)*
- $6,940,000 – Parallel 48-Inch Northeast Trunk Sewer

CONCLUSION & RECOMMENDATIONS

The results of our analysis of the existing water distribution system conclude that the system can adequately support the proposed Cole Ranch Development with recommended improvements. An alternate single-feed 12-inch water line along Palmer and Boyce Road is capable of supporting the proposed Phase 1 development. The recommended alternate Phase 1 improvements include approximately 11,200 linear feet of proposed 12-inch water line to provide a connection to the proposed development and the existing water distribution system as shown in Figure 5. Our project budget for the recommended alternate Phase 1 improvements is in the range of $4.0 million.

The recommended Future Development improvements include approximately 13,200 linear feet of proposed 12-inch water line to provide a looped connection to the proposed development and the existing water distribution system as shown in Figure 8. Our project budget for the recommended Future Development improvements is in the range of $4.7 million.

An itemized Engineer's Opinion of Probable Project Cost for the recommended improvements is provided in Appendix 1 (water).

Our analysis of the existing wastewater collection system identified existing capacity deficiencies in Northeast Trunk Sewer gravity main. We recommend 10,100-LF of 48-inch diameter pipe to be constructed in parallel to the existing trunk sewer to relieve the existing deficiency and provide available capacity for the proposed development and future growth. The necessary capacity improvements to the Lower Mustang Creek Lift Station are currently in the design phase. These improvements will increase the capacity to adequately support the addition of proposed Cole Ranch Development flows. The total project costs for these recommended improvements are in the range of $9.2 million.

An itemized Engineer's Opinion of Probable Project Cost for the recommended improvements is provided in Appendix 2 (wastewater).

We are available to discuss this analysis and our recommendations further at your convenience.

cc: (email only)
David Bailey, Director of Utilities

Enclosures: Exhibit A – Cole Ranch Water Exhibit
Exhibit B – Cole Ranch Sewer Exhibit
Exhibit C – Recommended Wastewater System Improvements
Appendix 1 - Recommended Water Improvement Engineer's Opinion of Project Cost
Appendix 2 - Recommended Wastewater Improvement Engineer's Opinion of Project Cost

EXHIBIT A

JENKINS JOE MACK & CAROL
JENKINS BOWMAN
PROPERTY ID: 178998
181.63 ACRES

HW WAXAHACHIE LP
PROPERTY ID: 180362
782.60 ACRES

HW WAXAHACHIE LP
PROPERTY ID: 180365
480.25 ACRES

EXISTING 12" WL

EXISTING 12" WL

EXISTING 12" WL

C:\Users\Stewart\Desktop\210806 - waxahachie\offsite easement exhibit\offsite waterline easement.dwg, Stewart, 10/7/2021 8:51 PM

PRELIMINARY LOT COUNT TABLE		
RESIDENTIAL TYPE		SUBTOTAL
	40' x 110'	87
	50' x 110'	90
	TOTAL	177

±41.25 ACRES OF LAND

COLE CREEK

OFFSITE WATERLINE
EASEMENT EXHIBIT

PLANNING + LANDSCAPE ARCHITECTURE

STRAND

10003 TECHNOLOGY BLVD WEST | DALLAS TEXAS 75220 | 972 620 8204

0 600' 1200'

10/7/2021

EXHIBIT B

PHASE 1
198 LOTS
56.57 ACRES
3.5 UNITS/ACRE

FUTURE DEVELOPMENT
125.06 ACRES
458 MAX UNITS

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±41.25 ACRES OF LAND

COLE CREEK

SEWER CAPACITY EXHIBIT

PRELIMINARY LOT COUNT TABLE		
RESIDENTIAL TYPE		SUBTOTAL
	40' x 110'	198

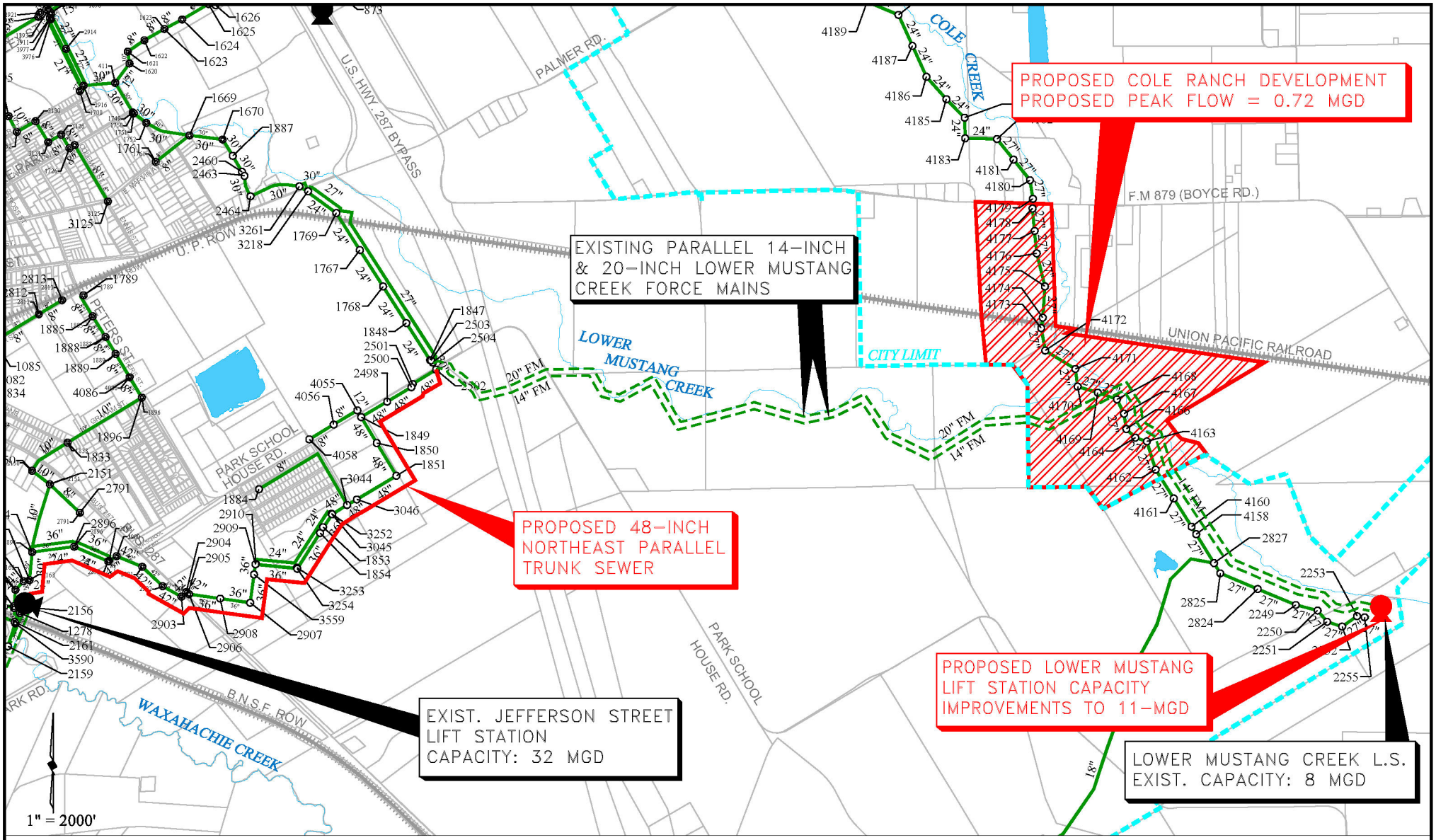
PLANNING + LANDSCAPE ARCHITECTURE

STRAND

10003 TECHNOLOGY BLVD WEST | DALLAS TEXAS 75220 | 972 620 8204

0 300' 600'

10/13/2021



CITY OF WAXAHACHIE
PROPOSED 'COLE RANCH' DEVELOPMENT IMPACT STUDY
RECOMMENDED WASTEWATER SYSTEM IMPROVEMENTS

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
TBPE Firm No. 526; TBPLS Firm No. 10031800
11910 Greenville Ave., Suite 600
Dallas, Texas 75243 (214) 361-7900

FEBRUARY 2022

EXHIBIT C

REVISED: 1/30/22 – CBURGETT C:\Users\CBurgett\Desktop\Models\Waxahachie\2020\2020105 WW System Map_CDB.dwg

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Texas Firm F526

Project No. 4060-368

APPENDIX 1

Client: City of Waxahachie
Project: Proposed Cole Ranch Development - Water Analysis
Recommended Alternate Improvements: 12-Inch Water Line

Date: 12/16/2021
By: DBC

ENGINEER'S OPINION OF PROBABLE PROJECT COST

Item No.	Description	Quantity	Unit	Price	Amount
12-inch Water Line					
1	Furnish & Install 12-inch Water Line	11,200	L.F.	$ 200.00	$ 2,240,000.00
2	Trench Safety Plan and Implementation	11,200	L.F.	$ 5.00	$ 56,000.00
3	Erosion Control Plan and Implementation	1	L.S.	$ 30,000.00	$ 30,000.00
4	Surface Restoration (Pavement, Sod, or Hydromulch)	25,000	S.Y.	$ 15.00	$ 375,000.00
5	Traffic Control Plan and Implementation	1	L.S.	$ 30,000.00	$ 30,000.00
	Construction Subtotal:				**$ 2,731,000.00**
	Contingencies and Miscellaneous Items:	20%			$ 546,200.00
	Subtotal:				**$ 3,277,200.00**
	Land Rights Acquisition (20-ft Permanent Easement):	5.14	Ac.	$ 30,000.00	**$ 154,269.97**
	Professional Fees including: Engineering, Surveying, Bidding, Construction Admin., Easement Doc Preparation; Geotechnical Evaluations	15%			**$ 491,580.00**
	Quality Control & Construction Materials Testing:	2.5%			**$ 81,930.00**
	Project Total:				**$ 4,004,979.97**
	Project Budget:			**USE:**	**$ 4,000,000.00**

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Texas Firm F526

Project No. 4060-368

APPENDIX 1

Client: City of Waxahachie
Project: Proposed Cole Ranch Development - Water Analysis
Recommended Future Improvements: 12-Inch Water Line Loop

Date: 12/16/2021
By: DBC

ENGINEER'S OPINION OF PROBABLE PROJECT COST

Item No.	Description	Quantity	Unit	Price	Amount
12-inch Water Line Loop					
1	Furnish & Install 12-inch Water Line	13,200	L.F.	$ 200.00	$ 2,640,000.00
2	Trench Safety Plan and Implementation	13,200	L.F.	$ 5.00	$ 66,000.00
3	Erosion Control Plan and Implementation	1	L.S.	$ 30,000.00	$ 30,000.00
4	Surface Restoration (Pavement, Sod, or Hydromulch)	30,000	S.Y.	$ 15.00	$ 450,000.00
5	Traffic Control Plan and Implementation	1	L.S.	$ 30,000.00	$ 30,000.00
	Construction Subtotal:				**$ 3,216,000.00**
	Contingencies and Miscellaneous Items:	20%			$ 643,200.00
	Subtotal:				**$ 3,859,200.00**
	Land Rights Acquisition (20-ft Permanent Easement):	6.06	Ac.	$ 30,000.00	**$ 181,818.18**
	Professional Fees including: Engineering, Surveying, Bidding, Construction Admin., Easement Doc Preparation; Geotechnical Evaluations	15%			**$ 578,880.00**
	Quality Control & Construction Materials Testing:	2.5%			**$ 96,480.00**
	Project Total:				**$ 4,716,378.18**
	Project Budget:			**USE:**	**$ 4,700,000.00**

BIRKHOFF, HENDRICKS & CARTER, L.L.P. **Project No.** 4060-372

PROFESSIONAL ENGINEERS

Texas Firm F526

APPENDIX 2

Client: City of Waxahachie, Texas **Date:** 1/30/2022

Project: Cole Ranch Development

Recommended Wastewater Improvements **By:** DBC/CDB

ENGINEER'S OPINION OF PROBABLE PROJECT COST

Item No.	Description	Quantity	Unit	Price	Amount
Lower Mustang Creek Lift Station Expansion					
1	For Mobilization, Bonds, Insurance and Shop Drawings for Lower Mustang Lift Station (Max 3.5%)	1	L.S.	$ 61,250.00	$ 61,250.00
2	New Lower Mustang Creek Wet Well and Triplex Submersible Pumps capable of increasing the Lower Mustang Creek LS Capacity from the Current 8.64 mgd to 12.00 mgd, including all electrical and mechanical work necessary	1	L.S.	$ 1,400,000.00	$ 1,400,000.00
3	Furnish and Install Standy Generator for new pumps	1	L.S.	$ 150,000.00	$ 150,000.00
4	Furnish & Install Epoxy Coating System at Lower Mustang Lift Station on New Wet Well and Existing Wet Well, including Testing of Coating System	1	L.S.	$ 80,000.00	$ 80,000.00
5	Construct Reinforeced Concrete Foundation for Electrical Room and Generator	60	S.Y.	$ 500.00	$ 30,000.00
6	For Constructing 7-inch Thick Reinforced Concrete Pavement on Compacted Subgrade, at Lower Mustang Lift Station	130	S.Y.	$ 150.00	$ 19,500.00
7	For Constructing 4-inch Thick Reinforced Concrete Sidewalk on Compacted Subgrade, at Lower Mustang Lift Station	10	S.Y.	$ 200.00	$ 2,000.00
8	For Constructing Reinforced Concrete Foundation Pads (for Electrical Room, Generator, Load Bank, Emergency Discharge By-Pass & Pump Junction Boxes) at Lower Mustang Lift Station	60	S.Y.	$ 200.00	$ 12,000.00
9	For Constructing Flex Base Inside Fenced Area at Lower Mustang Lift Station	290	S.Y.	$ 20.00	$ 5,800.00
10	Furnish & Install Perimeter Chain Link Fence and 14-Foot Chain Link Gate at Lower Mustang Lift Station	1	L.S.	$ 5,000.00	$ 5,000.00
11	Furnish & Install Silt Fence at Lower Mustang Lift Station	150	L.F.	$ 5.00	$ 750.00
12	Furnish Trench Safety Plan for Lower Mustang Lift Station	1	L.S.	$ 2,500.00	$ 2,500.00
13	Implement & Maintain Trench Safety Plan at Lower Mustang Lift Station	1	L.S.	$ 15,000.00	$ 15,000.00
	Construction Subtotal:				**$ 1,783,800.00**
	Contingencies and Miscellaneous Items:	10%			$ 178,380.00
	Subtotal:				**$ 1,962,180.00**
	Engineering Design and Third Party Electrical Construction Support				**$ 268,350.00**
	Project Total:				**$ 2,230,530.00**
	Project Budget:				**$ 2,230,000.00**
Parallel 48-Inch Northeast Trunk Sewer					
14	Parallel 48-inch Northeast Trunk Sewer	10,100	L.F.	$ 400.00	$ 4,040,000.00
15	6-foot Diameter Sanitary Sewer Manhole	22	Ea.	$ 15,000.00	$ 333,000.00
16	Trench Safety Plan and Implementation	10,100	L.F.	$ 5.00	$ 50,500.00
17	Erosion Control Plan and Implementation	1	L.S.	$ 25,000.00	$ 25,000.00

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Texas Firm F526

Project No. 4060-372

APPENDIX 2

Client: City of Waxahachie, Texas
Date: 1/30/2022

Project: Cole Ranch Development
Recommended Wastewater Improvements
By: DBC/CDB

ENGINEER'S OPINION OF PROBABLE PROJECT COST

Item No.	Description	Quantity	Unit	Price	Amount
18	Surface Restoration (Pavement, Sod, or Hydromulch)	23,000	S.Y.	$ 15.00	$ 345,000.00
19	Traffic Control Plan and Implementation	1	L.S.	$ 25,000.00	$ 25,000.00
	Construction Subtotal:				**$ 4,818,500.00**
	Contingencies and Miscellaneous Items:	20%			$ 963,700.00
	Subtotal:				**$ 5,782,200.00**
	Land Rights Acquisition (20-Foot Permanent Easement):	5.00	Ac.	$ 30,000.00	**$ 150,000.00**
	Professional Fees including: Engineering, Surveying, Bidding, Construction Admin., Easement Doc Preparation; Geotechinical Evaluations	15%			**$ 867,330.00**
	Quality Control & Construction Materials Testing:	2.5%			**$ 144,555.00**
	Project Total:				**$ 6,944,085.00**
	Project Budget:				**$ 6,940,000.00**
	TOTAL BUDGET RECOMMENDED IMPROVEMENTS:				**$ 9,170,000.00**

EXHIBIT "E"

PUC DOCKET NO. _____

COMPLAINT BY S2 LAND DEVELOPMENT, LLC AGAINST THE CITY OF WAXAHACHIE FOR IMPAIRMENT OF WATER SERVICE	§ § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

AFFIDAVIT OF JUSTIN CHRIST IN SUPPORT OF COMPLAINT AGAINST THE CITY OF WAXAHACHIE

STATE OF TEXAS §

COUNTY OF Dallas §

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

1. "My name is Justin Christ. 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. I am the President of S2 Land Development, LLC, the Complainant in the above-captioned matter. I have read the Complaint and the factual background is true and correct.

FURTHER AFFIANT SAYETH NOT.

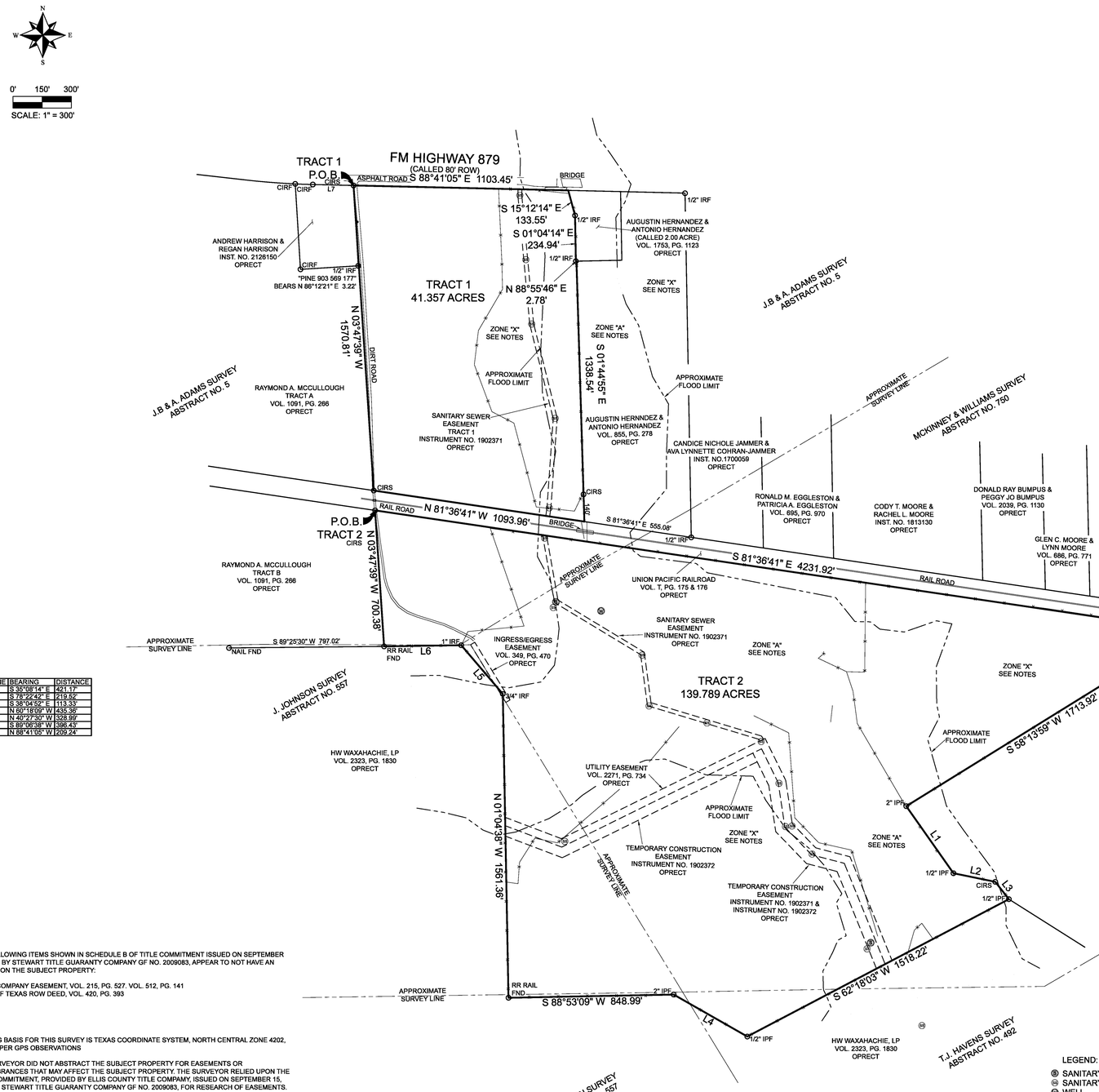
S2 LAND DEVELOPMENT, LLC

Justin Christ
President - S2 Land Development

SWORN TO AND SUBSCRIBED TO BEFORE ME by Justin Christ on November 2nd 2022.

YVONNE DAWSON
Notary ID #124029782
My Commission Expires
February 1, 2026

Notary Public, State of Texas



LINE	BEARING	DISTANCE
L1	S 35°08'14" E	421.17'
L2	S 78°22'42" E	219.52'
L3	S 38°04'52" E	113.33'
L4	N 60° 18'09" W	435.36'
L5	N 40°27'30" W	328.89'
L6	S 89°06'38" W	396.43'
L7	N 88°41'05" W	209.24'

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT ISSUED ON SEPTEMBER 15, 2020, BY STEWART TITLE GUARANTY COMPANY GF NO. 2009083, APPEAR TO NOT HAVE AN AFFECT ON THE SUBJECT PROPERTY:

TEXAS COMPANY EASEMENT, VOL. 215, PG. 527. VOL. 512, PG. 141
STATE OF TEXAS ROW DEED, VOL. 420, PG. 393

NOTES:

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83, PER GPS OBSERVATIONS

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY. THE SURVEYOR RELIED UPON THE TITLE COMMITMENT, PROVIDED BY ELLIS COUNTY TITLE COMPAMY, ISSUED ON SEPTEMBER 15, 2020, BY STEWART TITLE GUARANTY COMPANY GF NO. 2009083, FOR RESEARCH OF EASEMENTS.

UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPURTENANCES.

AS SHOWN HEREON, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - ZONE "A" - DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED", ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0200F DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

LEGEND:

- Ⓢ SANITARY SEWER AIR RELEASE
- Ⓢ SANITARY SEWER MANHOLE
- Ⓦ WELL
- FENCE LINE (VARIOUS TYPES)
- ● 1/2" IRF (UNLESS OTHERWISE NOTED)
- CIRS 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
- CIRF 5/8" IRON ROD WITH CAP STAMPED "RPLS 5674" FOUND
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- OPRECT OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
- (XXX) INDICATE RECORD OR DEED CALLS
- ROW RIGHT-OF-WAY

PROPERTY DESCRIPTION: TRACT 1

BEING A TRACT OF LAND SITUATED IN THE J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO CAROL JENKINS BOWMAN AND KATHLEEN JENKINS, RECORDED IN VOLUME 2561, PAGE 415, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID JENKINS TRACT AND THE COMMON NORTHEAST CORNER A TRACT OF LAND DESCRIBED IN DEED TO ANDREW HARRISON AND REGAN HARRISON, RECORDED IN INSTRUMENT NO. 2128150, OPRECT, AND BEING IN THE SOUTH RIGHT-OF-WAY (ROW) LINE OF F.M. HIGHWAY 879 (A CALLED 80' ROW), FROM WHICH A 5/8" IRON ROD FOUND BEARS N 88°41'05" W 209.28 FEET;

THENCE S 88°41'05" E, ALONG THE NORTH LINE OF SAID JENKINS TRACT AND THE COMMON SOUTH ROW LINE OF SAID F.M. HIGHWAY 879, A DISTANCE OF 1103.45 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF A CALLED 2.00 ACRE TRACT OF LAND DESCRIBED IN DEED TO AUGUSTIN HERNANDEZ AND ANTONIO HERNANDEZ, RECORDED IN VOLUME 1753, PAGE 1123, OPRECT;

THENCE S 15°12'14" E, ALONG THE WEST LINE OF SAID HERNANDEZ TRACT, A DISTANCE OF 133.55 FEET A 1/2" IRON ROD FOUND FOR ANGLE POINT IN THE WEST LINE OF SAID 2.00 ACRE HERNANDEZ TRACT;

THENCE S 01°04'41" E, ALONG THE WEST LINE OF SAID 2.00 ACRE HERNANDEZ TRACT, A DISTANCE OF 234.94 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID HERNANDEZ TRACT;

THENCE N 88°55'46" E, ALONG THE SOUTH LINE OF SAID 2.00 ACRE HERNANDEZ TRACT, A DISTANCE OF 2.78 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER IN THE EAST LINE OF SAID JENKINS TRACT AND THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO AUGUSTIN HERNANDEZ AND ANTONIO HERNANDEZ, RECORDED IN VOLUME 855, PAGE 278, OPRECT;

THENCE S 01°44'55" E, ALONG THE EAST LINE OF SAID JENKINS TRACT AND THE COMMON WEST LINE OF SAID HERNANDEZ TRACT, PASSING AT A DISTANCE OF 1198.54 FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 1338.54 FEET TO THE INTERSECTION OF THE EAST LINE OF SAID JENKINS TRACT AND THE NORTH LINE OF A UNION PACIFIC RAILROAD (UPRR) ROW, RECORDED IN CABINET T, PAGE 175 AND VOLUME T, PAGE 176, OPRECT AND THE SOUTHWEST CORNER OF SAID HERNANDEZ TRACT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID HERNANDEZ TRACT, BEARS S 81°36'41" E, A DISTANCE OF 555.08 FEET;

THENCE N 81°36'41" W, OVER AND ACROSS SAID JENKINS TRACT AND ALONG THE NORTH LINE OF SAID UPRR ROW, A DISTANCE OF 1093.96 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE INTERSECTION OF THE WEST LINE OF SAID JENKINS TRACT AND THE NORTH LINE OF SAID UPRR ROW, FOR THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT A IN DEED TO RAYMOND A. MCCULLOUGH, RECORDED IN VOLUME 1091, PAGE 266, OPRECT;

THENCE N 03°47'39" W, ALONG THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON EAST LINE OF SAID MCCULLOUGH TRACT, PASSING AT A DISTANCE OF 1157.32 FEET A 1/2" IRON ROD WITH CAP STAMPED "PINE 903 569 177" FOUND FOR THE SOUTHEAST CORNER OF SAID HARRISON TRACT, BEARS N 86°12'21" W, A DISTANCE OF 3.22 FEET, CONTINUING ALONG THE WEST LINE OF SAID JENKINS TRACT, A TOTAL DISTANCE OF 1570.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 41.357 ACRES OF LAND MORE OR LESS.

PROPERTY DESCRIPTION: TRACT 2

BEING A TRACT OF LAND SITUATED IN THE J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5, THE MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 750, THE J. JOHNSON SURVEY, ABSTRACT NO. 557, AND THE T.J. HAVENS SURVEY, ABSTRACT NO. 492, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO CAROL JENKINS BOWMAN AND KATHLEEN JENKINS, RECORDED IN VOLUME 2561, PAGE 415, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE INTERSECTION OF THE WEST LINE OF SAID JENKINS TRACT AND THE SOUTH LINE OF A UNION PACIFIC RAILROAD (UPRR) ROW, RECORDED IN VOLUME T, PAGE 175 AND VOLUME T, 176, OPRECT, FOR THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT B IN DEED TO RAYMOND A. MCCULLOUGH, RECORDED IN VOLUME 1091, PAGE 266, OPRECT AND IN THE SOUTH LINE OF

THENCE S 81°36'41" E, OVER AND ACROSS SAID JENKINS TRACT AND ALONG THE SOUTH LINE OF SAID UPRR ROW, A DISTANCE OF 4231.92 FEET TO A 2" IRON PIPE FOUND FOR AN EAST CORNER OF SAID JENKINS TRACT, IN THE COMMON NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO PAT LYNN GARDENHIRE, TRUSTEE FOR THE BENEFIT OF MICHAEL PATRICK GARDENHIRE, JEFFREY LYNN GARDENHIRE AND BELINDA ANN GARDENHIRE, RECORDED IN VOLUME 1902, PAGE 409, OPRECT;

THENCE S 58°13'59" W, ALONG A SOUTHEAST LINE OF SAID JENKINS TRACT THE COMMON NORTHWEST LINE OF SAID GARDENHIRE TRACT, A DISTANCE OF 1713.92 FEET TO A 2" IRON PIPE FOUND FOR AN INTERIOR ELL CORNER OF SAID JENKINS TRACT AND THE COMMON NORTHWEST CORNER OF SAID GARDENHIRE TRACT;

THENCE, ALONG THE EAST LINES OF SAID JENKINS TRACT AND THE COMMON WEST LIENS OF SAID GARDENHIRE TRACT, AS FOLLOWS:

S 35°08'14" E, A DISTANCE OF 421.17 FEET TO A 1/2" IRON PIPE FOUND FOR CORNER;

S 78°22'42" E, A DISTANCE OF 219.52 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

S 38°04'52" E, A DISTANCE OF 113.33 FEET TO A 1/2" IRON PIPE FOUND FOR THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO HW WAXAHACHIE, LP, RECORDED IN VOLUME 2323, PAGE 1830, OPRECT;

THENCE ALONG THE NORTH LINES OF SAID HW WAXAHACHIE TRACT, AS FOLLOWS:

S 62°18'03" W, A DISTANCE OF 1518.22 FEET TO A 1/2" IRON PIPE FOUND FOR CORNER;

N 60°18'09" W, A DISTANCE OF 435.36 FEET TO A 2" IRON PIPE FOUND FOR AN ANGLE POINT IN THE SOUTH LINE OF SAID JENKINS TRACT AND A COMMON ANGLE POINT IN THE NORTH LINE OF SAID HW WAXAHACHIE TRACT;

THENCE, S 88°53'09" W, ALONG THE SOUTH LINE OF SAID JENKINS TRACT AND THE COMMON NORTH LINE OF SAID HW WAXAHACHIE TRACT, A DISTANCE OF 848.99 FEET TO A RAILROAD SPIKE FOUND FOR THE SOUTHWEST CORNER OF SAID JENKINS TRACT AND AN INTERIOR ELL CORNER IN THE NORTH LINE OF SAID HW WAXAHACHIE TRACT;

THENCE ALONG THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON EAST LINE OF SAID HW WAXAHACHIE TRACT, AS FOLLOWS:

N 01°04'38" W, A DISTANCE OF 1561.36 FEET TO A 3/4" IRON ROD FOUND FOR CORNER;

N 40°27'30" W, A DISTANCE OF 328.99 FEET TO A 1" IRON ROD FOUND FOR AN ANGLE POINT IN THE WEST LINE OF SAID JENKINS TRACT AND A COMMON NORTHEAST CORNER OF SAID HW WAXAHACHIE TRACT;

THENCE S 89°06'38" W, ALONG A SOUTH LINE OF SAID JENKINS TRACT AND A COMMON NORTH LINE OF SAID HW WAXAHACHIE TRACT, A DISTANCE OF 396.43 FEET TO A RAILROAD RAIL FOUND FOR ELL CORNER IN THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON SOUTHEAST CORNER OF SAID MCCULLOUGH TRACT, FROM WHICH A NAIL FOUND, BEARS S 89°25'30" W, A DISTANCE OF 797.02 FEET;

THENCE N 03°47'39" W, ALONG THE WEST LINE OF SAID JENKINS TRACT AND THE COMMON EAST LINE OF SAID MCCULLOUGH TRACT, A DISTANCE OF 700.38 FEET TO THE POINT OF BEGINNING AND CONTAINING 139.789 ACRES OF LAND MORE OR LESS.

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS SURVEY PER THE DESCRIPTION SHOWN HEREON. THE SIZE LOCATION AND TYPE OF BUILDINGS AND VISIBLE IMPROVEMENTS ARE AS SHOWN.

THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYOR'S STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION IV SURVEY.

STATE OF TEXAS
REGISTERED
TIMOTHY L. JACKSON
5644
PROFESSIONAL
LAND SURVEYOR

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5644

DATED: 01/19/2021
REVISED: 02/03/2021
REVISED: 02/05/2021
REVISED: 06/21/2021

LAND TITLE SURVEY
TRACT 1 - 41.357 ACRES

SITUATED IN THE

J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5

TRACT 2 - 139.789 ACRES

SITUATED IN THE

J.B. & A. ADAMS SURVEY, ABSTRACT NO. 5,
MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 750,
J. JOHNSON SURVEY, ABSTRACT NO. 557
AND THE
T.J. HAVENS SURVEY, ABSTRACT NO. 492
ELLIS COUNTY, TEXAS

PROJECT NO. 1728

TEXAS REALITY CAPTURE & SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FIRM NO 10194359

TXRCS
TEXAS REALITY CAPTURE & SURVEYING LLC