

By: Stucky

H.B. No. 5361

Substitute the following for H.B. No. 5361:

By: Lozano

C.S.H.B. No. 5361

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Denton County Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 4001 to read as follows:

CHAPTER 4001. DENTON COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 4001.0101. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "County" means Denton County, Texas.

(3) "Director" means a board member.

(4) "District" means the Denton County Municipal Management District No. 2.

Sec. 4001.0102. NATURE OF DISTRICT. The Denton County Municipal Management District No. 2 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 4001.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

1 (b) By creating the district and in authorizing the county
2 and other political subdivisions to contract with the district, the
3 legislature has established a program to accomplish the public
4 purposes set out in Section 52-a, Article III, Texas Constitution.

5 (c) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

10 (d) This chapter and the creation of the district may not be
11 interpreted to relieve the county from providing the level of
12 services provided as of the effective date of the Act enacting this
13 chapter to the area in the district. The district is created to
14 supplement and not to supplant county services provided in the
15 district.

16 Sec. 4001.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

17 (a) All land and other property included in the district will
18 benefit from the improvements and services to be provided by the
19 district under powers conferred by Sections 52 and 52-a, Article
20 III, and Section 59, Article XVI, Texas Constitution, and other
21 powers granted under this chapter.

22 (b) The district is created to serve a public use and
23 benefit.

24 (c) The creation of the district is in the public interest
25 and is essential to further the public purposes of:

26 (1) developing and diversifying the economy of the
27 state;

1 (2) eliminating unemployment and underemployment; and
2 (3) developing or expanding transportation and
3 commerce.

4 (d) The district will:

5 (1) promote the health, safety, and general welfare of
6 residents, employers, potential employees, employees, visitors,
7 and consumers in the district, and of the public;

8 (2) provide needed funding for the district to
9 preserve, maintain, and enhance the economic health and vitality of
10 the district territory as a community and business center;

11 (3) promote the health, safety, welfare, and enjoyment
12 of the public by providing pedestrian ways and by landscaping and
13 developing certain areas in the district, which are necessary for
14 the restoration, preservation, and enhancement of scenic beauty;
15 and

16 (4) provide for water, wastewater, drainage, road, and
17 recreational facilities for the district.

18 (e) Pedestrian ways along or across a street, whether at
19 grade or above or below the surface, and street lighting, street
20 landscaping, parking, and street art objects are parts of and
21 necessary components of a street and are considered to be a street
22 or road improvement.

23 (f) The district will not act as the agent or
24 instrumentality of any private interest even though the district
25 will benefit many private interests as well as the public.

26 Sec. 4001.0105. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

1 Section 2 of the Act enacting this chapter.

2 (b) The boundaries and field notes contained in Section 2 of
3 the Act enacting this chapter form a closure. A mistake in the
4 field notes or in copying the field notes in the legislative process
5 does not affect the district's:

6 (1) organization, existence, or validity;

7 (2) right to issue any type of bonds for the purposes
8 for which the district is created or to pay the principal of and
9 interest on the bonds;

10 (3) right to impose or collect an assessment or tax; or

11 (4) legality or operation.

12 Sec. 4001.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

13 All or any part of the area of the district is eligible to be
14 included in:

15 (1) a tax increment reinvestment zone created under
16 Chapter 311, Tax Code; or

17 (2) a tax abatement reinvestment zone created under
18 Chapter 312, Tax Code.

19 Sec. 4001.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
20 DISTRICTS LAW. Except as otherwise provided by this chapter,
21 Chapter 375, Local Government Code, applies to the district.

22 Sec. 4001.0108. CONSTRUCTION OF CHAPTER. This chapter
23 shall be liberally construed in conformity with the findings and
24 purposes stated in this chapter.

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 4001.0201. GOVERNING BODY; TERMS. (a) The district is
27 governed by a board of five elected directors who serve staggered

1 terms of four years.

2 (b) Directors are elected in the manner provided by
3 Subchapter D, Chapter 49, Water Code.

4 Sec. 4001.0202. COMPENSATION; EXPENSES. (a) The district
5 may compensate each director in an amount not to exceed \$150 for
6 each board meeting. The total amount of compensation for each
7 director in one year may not exceed \$7,200.

8 (b) A director is entitled to reimbursement for necessary
9 and reasonable expenses incurred in carrying out the duties and
10 responsibilities of the board.

11 Sec. 4001.0203. TEMPORARY DIRECTORS. (a) On or after the
12 effective date of the Act enacting this chapter, the owner or owners
13 of a majority of the assessed value of the real property in the
14 district may submit a petition to the Texas Commission on
15 Environmental Quality requesting that the commission appoint as
16 temporary directors the five persons named in the petition. The
17 commission shall appoint as temporary directors the five persons
18 named in the petition.

19 (b) The temporary or successor temporary directors shall
20 hold an election to elect five permanent directors as provided by
21 Section 49.102, Water Code.

22 (c) Temporary directors serve until the earlier of:

23 (1) the date permanent directors are elected under
24 Subsection (b); or

25 (2) the fourth anniversary of the effective date of
26 the Act enacting this chapter.

27 (d) If permanent directors have not been elected under

1 Subsection (b) and the terms of the temporary directors have
2 expired, successor temporary directors shall be appointed or
3 reappointed as provided by Subsection (e) to serve terms that
4 expire on the earlier of:

5 (1) the date permanent directors are elected under
6 Subsection (b); or

7 (2) the fourth anniversary of the date of the
8 appointment or reappointment.

9 (e) If Subsection (d) applies, the owner or owners of a
10 majority of the assessed value of the real property in the district
11 may submit a petition to the commission requesting that the
12 commission appoint as successor temporary directors the five
13 persons named in the petition. The commission shall appoint as
14 successor temporary directors the five persons named in the
15 petition.

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 4001.0301. GENERAL POWERS AND DUTIES. The district
18 has the powers and duties necessary to accomplish the purposes for
19 which the district is created.

20 Sec. 4001.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The
21 district, using any money available to the district for the
22 purpose, may provide, design, construct, acquire, improve,
23 relocate, operate, maintain, or finance an improvement project or
24 service authorized under this chapter or Chapter 375, Local
25 Government Code.

26 (b) The district may contract with a governmental or private
27 entity to carry out an action under Subsection (a).

1 (c) The implementation of a district project or service is a
2 governmental function or service for the purposes of Chapter 791,
3 Government Code.

4 Sec. 4001.0303. NONPROFIT CORPORATION. (a) The board by
5 resolution may authorize the creation of a nonprofit corporation to
6 assist and act for the district in implementing a project or
7 providing a service authorized by this chapter.

8 (b) The nonprofit corporation:

9 (1) has each power of and is considered to be a local
10 government corporation created under Subchapter D, Chapter 431,
11 Transportation Code; and

12 (2) may implement any project and provide any service
13 authorized by this chapter.

14 (c) The board shall appoint the board of directors of the
15 nonprofit corporation. The board of directors of the nonprofit
16 corporation shall serve in the same manner as the board of directors
17 of a local government corporation created under Subchapter D,
18 Chapter 431, Transportation Code, except that a board member is not
19 required to reside in the district.

20 Sec. 4001.0304. LAW ENFORCEMENT SERVICES. To protect the
21 public interest, the district may contract with a qualified party,
22 including the county, to provide law enforcement services in the
23 district for a fee.

24 Sec. 4001.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
25 The district may join and pay dues to a charitable or nonprofit
26 organization that performs a service or provides an activity
27 consistent with the furtherance of a district purpose.

1 Sec. 4001.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
2 district may engage in activities that accomplish the economic
3 development purposes of the district.

4 (b) The district may establish and provide for the
5 administration of one or more programs to promote state or local
6 economic development and to stimulate business and commercial
7 activity in the district, including programs to:

8 (1) make loans and grants of public money; and

9 (2) provide district personnel and services.

10 (c) The district may create economic development programs
11 and exercise the economic development powers provided to
12 municipalities by:

13 (1) Chapter 380, Local Government Code; and

14 (2) Subchapter A, Chapter 1509, Government Code.

15 Sec. 4001.0307. PARKING FACILITIES. (a) The district may
16 acquire, lease as lessor or lessee, construct, develop, own,
17 operate, and maintain parking facilities or a system of parking
18 facilities, including lots, garages, parking terminals, or other
19 structures or accommodations for parking motor vehicles off the
20 streets and related appurtenances.

21 (b) The district's parking facilities serve the public
22 purposes of the district and are owned, used, and held for a public
23 purpose even if leased or operated by a private entity for a term of
24 years.

25 (c) The district's parking facilities are parts of and
26 necessary components of a street and are considered to be a street
27 or road improvement.

1 (d) The development and operation of the district's parking
2 facilities may be considered an economic development program.

3 Sec. 4001.0308. ADDING OR EXCLUDING LAND. The district may
4 add or exclude land in the manner provided by Subchapter J, Chapter
5 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

6 Sec. 4001.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The
7 board by resolution shall establish the number of directors'
8 signatures and the procedure required for a disbursement or
9 transfer of district money.

10 Sec. 4001.0310. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
11 Section 375.161, Local Government Code, does not apply to the
12 district.

13 Sec. 4001.0311. EMINENT DOMAIN. The district may exercise
14 the power of eminent domain in the manner provided by Section
15 49.222, Water Code.

16 Sec. 4001.0312. DIVISION OF DISTRICT. (a) The district
17 may be divided into two or more new districts only if the district:

18 (1) has no outstanding bonded debt; and

19 (2) is not imposing ad valorem taxes.

20 (b) This chapter applies to any new district created by the
21 division of the district, and a new district has all the powers and
22 duties of the district.

23 (c) Any new district created by the division of the district
24 may not, at the time the new district is created, contain any land
25 outside the area described by Section 2 of the Act enacting this
26 chapter.

27 (d) The board, on its own motion or on receipt of a petition

1 signed by the owner or owners of a majority of the assessed value of
2 the real property in the district, may adopt an order dividing the
3 district.

4 (e) An order dividing the district must:

5 (1) name each new district;

6 (2) include the metes and bounds description of the
7 territory of each new district;

8 (3) appoint temporary directors for each new
9 district; and

10 (4) provide for the division of assets and liabilities
11 between or among the new districts.

12 (f) On or before the 30th day after the date of adoption of
13 an order dividing the district, the district shall file the order
14 with the Texas Commission on Environmental Quality and record the
15 order in the real property records of each county in which the
16 district is located.

17 (g) Any new district created by the division of the district
18 must hold an election as required by this chapter to obtain voter
19 approval before the district may impose a maintenance tax or issue
20 bonds payable wholly or partly from ad valorem taxes.

21 (h) Municipal consent to the creation of the district and to
22 the inclusion of land in the district granted under Section
23 4001.0506 acts as municipal consent to the creation of any new
24 district created by the division of the district and to the
25 inclusion of land in the new district.

26 SUBCHAPTER D. ASSESSMENTS

27 Sec. 4001.0401. PETITION REQUIRED FOR FINANCING SERVICES

1 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
2 service or improvement project with assessments under this chapter
3 unless a written petition requesting that service or improvement
4 has been filed with the board.

5 (b) A petition filed under Subsection (a) must be signed by
6 the owners of a majority of the assessed value of real property in
7 the district subject to assessment according to the most recent
8 certified tax appraisal roll for the county.

9 Sec. 4001.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
10 The board by resolution may impose and collect an assessment for any
11 purpose authorized by this chapter in all or any part of the
12 district.

13 (b) An assessment, a reassessment, or an assessment
14 resulting from an addition to or correction of the assessment roll
15 by the district, penalties and interest on an assessment or
16 reassessment, an expense of collection, and reasonable attorney's
17 fees incurred by the district:

18 (1) are a first and prior lien against the property
19 assessed;

20 (2) are superior to any other lien or claim other than
21 a lien or claim for county, school district, or municipal ad valorem
22 taxes; and

23 (3) are the personal liability of and a charge against
24 the owners of the property even if the owners are not named in the
25 assessment proceedings.

26 (c) The lien is effective from the date of the board's
27 resolution imposing the assessment until the date the assessment is

1 paid. The board may enforce the lien in the same manner that the
2 board may enforce an ad valorem tax lien against real property.

3 (d) The board may make a correction to or deletion from the
4 assessment roll that does not increase the amount of assessment of
5 any parcel of land without providing notice and holding a hearing in
6 the manner required for additional assessments.

7 SUBCHAPTER E. TAXES AND BONDS

8 Sec. 4001.0501. TAX ELECTION REQUIRED. (a) The district
9 must hold an election in the manner provided by Chapter 49, Water
10 Code, or, if applicable, Chapter 375, Local Government Code, to
11 obtain voter approval before the district may impose an ad valorem
12 tax.

13 (b) Section 375.243, Local Government Code, does not apply
14 to the district.

15 Sec. 4001.0502. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized by a majority of the district voters voting at an
17 election under Section 4001.0501, the district may impose an
18 operation and maintenance tax on taxable property in the district
19 in the manner provided by Section 49.107, Water Code, for any
20 district purpose, including to:

- 21 (1) maintain and operate the district;
22 (2) construct or acquire improvements; or
23 (3) provide a service.

24 (b) The board shall determine the operation and maintenance
25 tax rate. The rate may not exceed the rate approved at the
26 election.

27 Sec. 4001.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE

1 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
2 terms determined by the board.

3 (b) The district may issue bonds, notes, or other
4 obligations payable wholly or partly from ad valorem taxes,
5 assessments, impact fees, revenue, contract payments, grants, or
6 other district money, or any combination of those sources of money,
7 to pay for any authorized district purpose.

8 (c) The district may issue bonds, notes, or other
9 obligations payable wholly or partly from assessments in the manner
10 provided by Subchapter A, Chapter 372, Local Government Code, if
11 the improvements financed by an obligation issued under this
12 section will be conveyed to or operated and maintained by a
13 municipality or county or other retail utility provider pursuant to
14 an agreement with the district entered into before the issuance of
15 the obligation.

16 Sec. 4001.0504. BONDS SECURED BY REVENUE OR CONTRACT
17 PAYMENTS. The district may issue, without an election, bonds
18 secured by:

19 (1) revenue other than ad valorem taxes, including
20 contract revenues; or

21 (2) contract payments, provided that the requirements
22 of Section 49.108, Water Code, have been met.

23 Sec. 4001.0505. BONDS SECURED BY AD VALOREM TAXES;
24 ELECTIONS. (a) If authorized at an election under Section
25 4001.0501, the district may issue bonds payable from ad valorem
26 taxes.

27 (b) At the time the district issues bonds payable wholly or

1 partly from ad valorem taxes, the board shall provide for the annual
2 imposition of a continuing direct annual ad valorem tax, without
3 limit as to rate or amount, for each year that all or part of the
4 bonds are outstanding as required and in the manner provided by
5 Sections 54.601 and 54.602, Water Code.

6 (c) All or any part of any facilities or improvements that
7 may be acquired by a district by the issuance of its bonds may be
8 submitted as a single proposition or as several propositions to be
9 voted on at the election.

10 Sec. 4001.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The
11 board may not issue bonds until each municipality in whose
12 corporate limits or extraterritorial jurisdiction the district is
13 located has consented by ordinance or resolution to the creation of
14 the district and to the inclusion of land in the district as
15 required by applicable law.

16 (b) This section applies only to the district's first
17 issuance of bonds payable from ad valorem taxes.

18 SUBCHAPTER I. DISSOLUTION

19 Sec. 4001.0901. DISSOLUTION. (a) The board shall dissolve
20 the district on written petition filed with the board by the owners
21 of:

22 (1) at least two-thirds of the assessed value of the
23 property subject to assessment by the district based on the most
24 recent certified county property tax rolls; or

25 (2) at least two-thirds of the surface area of the
26 district, excluding roads, streets, highways, utility
27 rights-of-way, other public areas, and other property exempt from

1 assessment by the district according to the most recent certified
2 county property tax rolls.

3 (b) The board by majority vote may dissolve the district at
4 any time.

5 (c) The district may not be dissolved by its board under
6 Subsection (a) or (b) if the district:

7 (1) has any outstanding bonded indebtedness until that
8 bonded indebtedness has been repaid or defeased in accordance with
9 the order or resolution authorizing the issuance of the bonds;

10 (2) has a contractual obligation to pay money until
11 that obligation has been fully paid in accordance with the
12 contract; or

13 (3) owns, operates, or maintains public works,
14 facilities, or improvements unless the district contracts with
15 another person for the ownership, operation, or maintenance of the
16 public works, facilities, or improvements.

17 (d) Sections 375.261, 375.262, and 375.264, Local
18 Government Code, do not apply to the district.

19 SECTION 2. The Denton County Municipal Management District
20 No. 2 initially includes all territory contained in the following
21 area:

22 TRACT I:

23 ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING
24 SITUATED IN THE B. WAY SURVEY, ABSTRACT NUMBER 1350, W. JOHNSON
25 SURVEY, ABSTRACT NUMBER 680, J. STEWART, ABSTRACT NUMBER 1199,
26 DENTON COUNTY, TEXAS, AND BEING PART OF A TRACT DESCRIBED IN A DEED
27 TO CLEAR CREEK RIDGE, LLC, RECORDED IN VOLUME 5127, PAGE 1955, AND

1 VOLUME 5127, PAGE 1951, REAL PROPERTY RECORDS OF DENTON COUNTY,
2 TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

3 BEGINNING AT A 1/2 INCH IRON PIN FOUND AT THE SOUTHERN MOST
4 SOUTHEAST CORNER OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127,
5 PAGE 1955 AND BEING ON THE WEST LINE OF A DEED TO F. JEFFERY CHARNEY,
6 RECORDED IN VOLUME 3035, PAGE 534, REAL PROPERTY RECORDS, DENTON
7 COUNTY, TEXAS, AND BEING ON THE NORTHERN MOST NORTHEAST CORNER OF A
8 TRACT DESCRIBED IN A DEED TO ROYAL WHITE JONES, RECORDED IN VOLUME
9 1231, PAGE 701, DEED RECORDS, DENTON COUNTY, TEXAS;

10 THENCE NORTH 71 DEGREES 47 MINUTES 53 SECONDS WEST WITH THE
11 SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
12 1955, A DISTANCE OF 5542.39 FEET TO A 1/2 INCH IRON PIN SET AT THE
13 SOUTHERN MOST SOUTHWEST CORNER OF SAID CLEAR CREEK RIDGE TRACT IN
14 VOLUME 5127, PAGE 1955, AN INNER ELL CORNER OF A TRACT DESCRIBED IN
15 A DEED TO CASEY MARK HARRINGTON, RECORDED IN VOLUME 2031, PAGE 348,
16 REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

17 THENCE NORTH WITH A WEST LINE OF SAID CLEAR CREEK RIDGE TRACT
18 IN VOLUME 5127, PAGE 1955, A DISTANCE OF 240.00 FEET TO A 1/2 INCH
19 IRON PIN SET AT A SOUTHWEST CORNER OF SAID CLEAR CREEK RIDGE TRACT
20 IN VOLUME 5127, PAGE 1955;

21 THENCE SOUTH 89 DEGREES 24 MINUTES 00 SECONDS EAST, A
22 DISTANCE OF 154.60 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER AT AN
23 INNER ELL CORNER OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127,
24 PAGE 1955 AND THE SOUTHEAST CORNER OF A TRACT DESCRIBED IN A DEED TO
25 MARY TOM CRAVENS CURNUTT, RECORDED IN VOLUME 2505, PAGE 298, REAL
26 PROPERTY RECORDS, DENTON COUNTY, TEXAS;

27 THENCE NORTH 15 DEGREES 54 MINUTES 04 SECONDS EAST WITH THE

1 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
2 A DISTANCE OF 2222.30 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER;

3 THENCE SOUTH 82 DEGREES 47 MINUTES 03 SECONDS EAST WITH A
4 SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
5 1955, A DISTANCE OF 667.90 FEET TO A 1/2 INCH IRON PIN FOUND FOR
6 CORNER;

7 THENCE NORTH 56 DEGREES 22 MINUTES 21 SECONDS EAST WITH A
8 SOUTHWEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
9 1955, A DISTANCE OF 642.42 FEET TO A 1/2 INCH IRON PIN FOUND FOR
10 CORNER;

11 THENCE NORTH 50 DEGREES 04 MINUTES 04 SECONDS EAST WITH A
12 SOUTHWEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
13 1955, A DISTANCE OF 311.43 FEET TO A 1/2 INCH IRON PIN FOUND FOR
14 CORNER;

15 THENCE NORTH 36 DEGREES 03 MINUTES 57 SECONDS EAST WITH THE
16 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
17 A DISTANCE OF 1119.19 FEET TO A 1/2 INCH IRON PIN FOUND FOR CORNER;

18 THENCE NORTH 26 DEGREES 07 MINUTES 18 SECONDS WEST WITH THE
19 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
20 A DISTANCE OF 1390.50 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER;

21 THENCE NORTH 00 DEGREES 14 MINUTES 50 SECONDS EAST WITH THE
22 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
23 A DISTANCE OF 913.00 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER ON
24 THE NORTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
25 1955, AND THE SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME
26 5127, PAGE 1951;

27 THENCE NORTH 89 DEGREES 52 MINUTES 14 SECONDS WEST WITH A

1 NORTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955
2 AND THE SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127,
3 PAGE 1951, A DISTANCE OF 771.47 FEET TO A 1/2 INCH IRON PIN SET FOR
4 CORNER BEING ON A WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN
5 VOLUME 5127, PAGE 1951 AND AN EAST LINE OF A TRACT DESCRIBED IN A
6 DEED TO RAY HENGER, RECORDED IN VOLUME 4612, PAGE 567, REAL PROPERTY
7 RECORDS, DENTON COUNTY, TEXAS;

8 THENCE NORTH 00 DEGREES 46 MINUTES 29 SECONDS WEST WITH A WEST
9 LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1951 AND
10 AN EAST LINE OF SAID HENGER TRACT, A DISTANCE OF 1151.02 FEET TO A
11 1/2 INCH IRON PIN SET FOR CORNER;

12 THENCE WITH CLEAR CREEK THE FOLLOWING FIFTY-FOUR (54) CALLS:

13 1.) NORTH 55 DEGREES 38 MINUTES 38 SECONDS EAST, A DISTANCE
14 OF 110.80 FEET;

15 2.) NORTH 51 DEGREES 23 MINUTES 04 SECONDS EAST, A DISTANCE
16 OF 278.21 FEET;

17 3.) SOUTH 70 DEGREES 46 MINUTES 01 SECONDS EAST, A DISTANCE
18 OF 415.87 FEET;

19 4.) SOUTH 40 DEGREES 58 MINUTES 38 SECONDS EAST, A DISTANCE
20 OF 604.83 FEET;

21 5.) SOUTH 51 DEGREES 09 MINUTES 01 SECONDS EAST, A DISTANCE
22 OF 410.80 FEET;

23 6.) SOUTH 37 DEGREES 53 MINUTES 33 SECONDS EAST, A DISTANCE
24 OF 82.37 FEET;

25 7.) SOUTH 18 DEGREES 46 MINUTES 16 SECONDS EAST, A DISTANCE
26 OF 75.16 FEET;

27 8.) SOUTH 05 DEGREES 46 MINUTES 16 SECONDS WEST, A DISTANCE

- 1 OF 49.39 FEET;
- 2 9.) SOUTH 22 DEGREES 04 MINUTES 06 SECONDS WEST, A DISTANCE
- 3 OF 308.38 FEET;
- 4 10.) SOUTH 26 DEGREES 11 MINUTES 20 SECONDS WEST, A DISTANCE
- 5 OF 76.63 FEET;
- 6 11.) SOUTH 26 DEGREES 11 MINUTES 20 SECONDS WEST, A DISTANCE
- 7 OF 547.10 FEET;
- 8 12.) SOUTH 46 DEGREES 12 MINUTES 54 SECONDS EAST, A DISTANCE
- 9 OF 174.23 FEET;
- 10 13.) NORTH 86 DEGREES 27 MINUTES 32 SECONDS EAST, A DISTANCE
- 11 OF 417.50 FEET;
- 12 14.) NORTH 53 DEGREES 53 MINUTES 06 SECONDS EAST, A DISTANCE
- 13 OF 225.22 FEET;
- 14 15.) SOUTH 70 DEGREES 20 MINUTES 06 SECONDS EAST, A DISTANCE
- 15 OF 93.57 FEET;
- 16 16.) SOUTH 54 DEGREES 37 MINUTES 57 SECONDS EAST, A DISTANCE
- 17 OF 330.11 FEET;
- 18 17.) NORTH 64 DEGREES 44 MINUTES 37 SECONDS EAST, A DISTANCE
- 19 OF 674.49 FEET;
- 20 18.) NORTH 84 DEGREES 14 MINUTES 43 SECONDS EAST, A DISTANCE
- 21 OF 100.20 FEET;
- 22 19.) SOUTH 56 DEGREES 23 MINUTES 54 SECONDS EAST, A DISTANCE
- 23 OF 116.40 FEET;
- 24 20.) SOUTH 06 DEGREES 22 MINUTES 27 SECONDS WEST, A DISTANCE
- 25 OF 228.98 FEET;
- 26 21.) SOUTH 52 DEGREES 30 MINUTES 28 SECONDS WEST, A DISTANCE
- 27 OF 271.35 FEET;

- 1 22.) SOUTH 87 DEGREES 06 MINUTES 16 SECONDS WEST, A DISTANCE
2 OF 326.84 FEET;
- 3 23.) SOUTH 63 DEGREES 22 MINUTES 32 SECONDS WEST, A DISTANCE
4 OF 93.18 FEET;
- 5 24.) SOUTH 19 DEGREES 39 MINUTES 44 SECONDS WEST, A DISTANCE
6 OF 274.65 FEET;
- 7 25.) SOUTH 06 DEGREES 09 MINUTES 26 SECONDS EAST, A DISTANCE
8 OF 129.80 FEET;
- 9 26.) SOUTH 59 DEGREES 41 MINUTES 10 SECONDS EAST, A DISTANCE
10 OF 155.04 FEET;
- 11 27.) NORTH 61 DEGREES 09 MINUTES 15 SECONDS EAST, A DISTANCE
12 OF 459.27 FEET;
- 13 28.) SOUTH 85 DEGREES 11 MINUTES 12 SECONDS EAST, A DISTANCE
14 OF 101.67 FEET;
- 15 29.) SOUTH 50 DEGREES 11 MINUTES 20 SECONDS EAST, A DISTANCE
16 OF 160.52 FEET;
- 17 30.) SOUTH 19 DEGREES 38 MINUTES 33 SECONDS EAST, A DISTANCE
18 OF 218.07 FEET;
- 19 31.) SOUTH 08 DEGREES 39 MINUTES 06 SECONDS WEST, A DISTANCE
20 OF 110.67 FEET;
- 21 32.) SOUTH 60 DEGREES 37 MINUTES 40 SECONDS WEST, A DISTANCE
22 OF 111.17 FEET;
- 23 33.) NORTH 71 DEGREES 44 MINUTES 44 SECONDS WEST, A DISTANCE
24 OF 205.32 FEET;
- 25 34.) NORTH 58 DEGREES 00 MINUTES 21 SECONDS WEST, A DISTANCE
26 OF 175.42 FEET;
- 27 35.) SOUTH 60 DEGREES 53 MINUTES 09 SECONDS WEST, A DISTANCE

- 1 OF 81.38 FEET;
- 2 36.) SOUTH 19 DEGREES 12 MINUTES 39 SECONDS EAST, A DISTANCE
- 3 OF 180.46 FEET;
- 4 37.) SOUTH 31 DEGREES 27 MINUTES 36 SECONDS EAST, A DISTANCE
- 5 OF 348.51 FEET;
- 6 38.) SOUTH 08 DEGREES 24 MINUTES 19 SECONDS WEST, A DISTANCE
- 7 OF 80.11 FEET;
- 8 39.) SOUTH 44 DEGREES 00 MINUTES 08 SECONDS WEST, A DISTANCE
- 9 OF 157.91 FEET;
- 10 40.) SOUTH 69 DEGREES 06 MINUTES 14 SECONDS WEST, A DISTANCE
- 11 OF 188.37 FEET;
- 12 41.) SOUTH 03 DEGREES 39 MINUTES 31 SECONDS WEST, A DISTANCE
- 13 OF 190.40 FEET;
- 14 42.) SOUTH 62 DEGREES 37 MINUTES 49 SECONDS EAST, A DISTANCE
- 15 OF 165.30 FEET;
- 16 43.) NORTH 43 DEGREES 07 MINUTES 44 SECONDS EAST, A DISTANCE
- 17 OF 253.82 FEET;
- 18 44.) NORTH 58 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE
- 19 OF 135.83 FEET;
- 20 45.) SOUTH 34 DEGREES 09 MINUTES 46 SECONDS EAST, A DISTANCE
- 21 OF 149.30 FEET;
- 22 46.) SOUTH 21 DEGREES 47 MINUTES 10 SECONDS WEST, A DISTANCE
- 23 OF 518.33 FEET;
- 24 47.) SOUTH 20 DEGREES 01 MINUTES 56 SECONDS EAST, A DISTANCE
- 25 OF 329.19 FEET;
- 26 48.) SOUTH 66 DEGREES 36 MINUTES 28 SECONDS EAST, A DISTANCE
- 27 OF 195.08 FEET;

1 49.) SOUTH 87 DEGREES 31 MINUTES 31 SECONDS EAST, A DISTANCE
2 OF 403.76 FEET;

3 50.) SOUTH 68 DEGREES 26 MINUTES 25 SECONDS EAST, A DISTANCE
4 OF 144.04 FEET;

5 51.) SOUTH 03 DEGREES 41 MINUTES 33 SECONDS WEST, A DISTANCE
6 OF 91.78 FEET;

7 52.) SOUTH 23 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE
8 OF 322.95 FEET;

9 53.) SOUTH 39 DEGREES 05 MINUTES 30 SECONDS EAST, A DISTANCE
10 OF 167.15 FEET;

11 54.) SOUTH 54 DEGREES 29 MINUTES 12 SECONDS EAST, A DISTANCE
12 OF 152.28 FEET TO A 1/2 INCH IRON PIN FOUND ON AN EAST LINE OF SAID
13 CLEAR CREEK RIDGE TRACT;

14 THENCE SOUTH 00 DEGREES 52 MINUTES 17 SECONDS EAST WITH AN
15 EAST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
16 A DISTANCE OF 3736.55 FEET TO THE POINT OF BEGINNING AND CONTAINING
17 IN ALL 535.703 ACRES OF LAND.

18 SECTION 3. (a) The legal notice of the intention to
19 introduce this Act, setting forth the general substance of this
20 Act, has been published as provided by law, and the notice and a
21 copy of this Act have been furnished to all persons, agencies,
22 officials, or entities to which they are required to be furnished
23 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
24 Government Code.

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor,
3 lieutenant governor, and speaker of the house of representatives
4 within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act have been
8 fulfilled and accomplished.

9 SECTION 4. (a) Section 4001.0311, Special District Local
10 Laws Code, as added by Section 1 of this Act, takes effect only if
11 this Act receives a two-thirds vote of all the members elected to
12 each house.

13 (b) If this Act does not receive a two-thirds vote of all the
14 members elected to each house, Subchapter C, Chapter 4001, Special
15 District Local Laws Code, as added by Section 1 of this Act, is
16 amended by adding Section 4001.0311 to read as follows:

17 Sec. 4001.0311. NO EMINENT DOMAIN POWER. The district may
18 not exercise the power of eminent domain.

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2023.