

1-1 By: Stucky (Senate Sponsor - Springer) H.B. No. 5361
 1-2 (In the Senate - Received from the House May 15, 2023;
 1-3 May 15, 2023, read first time and referred to Committee on Local
 1-4 Government; May 22, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 22, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 5361 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the creation of the Denton County Municipal Management
 1-22 District No. 2; providing authority to issue bonds; providing
 1-23 authority to impose assessments, fees, and taxes; granting a
 1-24 limited power of eminent domain.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle C, Title 4, Special District Local Laws
 1-27 Code, is amended by adding Chapter 4001 to read as follows:

1-28 CHAPTER 4001. DENTON COUNTY MUNICIPAL MANAGEMENT DISTRICT NO. 2

1-29 SUBCHAPTER A. GENERAL PROVISIONS

1-30 Sec. 4001.0101. DEFINITIONS. In this chapter:

1-31 (1) "Board" means the district's board of directors.

1-32 (2) "County" means Denton County, Texas.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Denton County Municipal
 1-35 Management District No. 2.

1-36 Sec. 4001.0102. NATURE OF DISTRICT. The Denton County
 1-37 Municipal Management District No. 2 is a special district created
 1-38 under Section 59, Article XVI, Texas Constitution.

1-39 Sec. 4001.0103. PURPOSE; DECLARATION OF INTENT. (a) The
 1-40 creation of the district is essential to accomplish the purposes of
 1-41 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
 1-42 Texas Constitution, and other public purposes stated in this
 1-43 chapter.

1-44 (b) By creating the district and in authorizing the county
 1-45 and other political subdivisions to contract with the district, the
 1-46 legislature has established a program to accomplish the public
 1-47 purposes set out in Section 52-a, Article III, Texas Constitution.

1-48 (c) The creation of the district is necessary to promote,
 1-49 develop, encourage, and maintain employment, commerce,
 1-50 transportation, housing, tourism, recreation, the arts,
 1-51 entertainment, economic development, safety, and the public
 1-52 welfare in the district.

1-53 (d) This chapter and the creation of the district may not be
 1-54 interpreted to relieve the county from providing the level of
 1-55 services provided as of the effective date of the Act enacting this
 1-56 chapter to the area in the district. The district is created to
 1-57 supplement and not to supplant county services provided in the
 1-58 district.

1-59 Sec. 4001.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-60 (a) All land and other property included in the district will

2-1 benefit from the improvements and services to be provided by the
2-2 district under powers conferred by Sections 52 and 52-a, Article
2-3 III, and Section 59, Article XVI, Texas Constitution, and other
2-4 powers granted under this chapter.

2-5 (b) The district is created to serve a public use and
2-6 benefit.

2-7 (c) The creation of the district is in the public interest
2-8 and is essential to further the public purposes of:

2-9 (1) developing and diversifying the economy of the
2-10 state;

2-11 (2) eliminating unemployment and underemployment; and

2-12 (3) developing or expanding transportation and
2-13 commerce.

2-14 (d) The district will:

2-15 (1) promote the health, safety, and general welfare of
2-16 residents, employers, potential employees, employees, visitors,
2-17 and consumers in the district, and of the public;

2-18 (2) provide needed funding for the district to
2-19 preserve, maintain, and enhance the economic health and vitality of
2-20 the district territory as a community and business center;

2-21 (3) promote the health, safety, welfare, and enjoyment
2-22 of the public by providing pedestrian ways and by landscaping and
2-23 developing certain areas in the district, which are necessary for
2-24 the restoration, preservation, and enhancement of scenic beauty;
2-25 and

2-26 (4) provide for water, wastewater, drainage, road, and
2-27 recreational facilities for the district.

2-28 (e) Pedestrian ways along or across a street, whether at
2-29 grade or above or below the surface, and street lighting, street
2-30 landscaping, parking, and street art objects are parts of and
2-31 necessary components of a street and are considered to be a street
2-32 or road improvement.

2-33 (f) The district will not act as the agent or
2-34 instrumentality of any private interest even though the district
2-35 will benefit many private interests as well as the public.

2-36 Sec. 4001.0105. INITIAL DISTRICT TERRITORY. (a) The
2-37 district is initially composed of the territory described by
2-38 Section 2 of the Act enacting this chapter.

2-39 (b) The boundaries and field notes contained in Section 2 of
2-40 the Act enacting this chapter form a closure. A mistake in the
2-41 field notes or in copying the field notes in the legislative process
2-42 does not affect the district's:

2-43 (1) organization, existence, or validity;

2-44 (2) right to issue any type of bonds for the purposes
2-45 for which the district is created or to pay the principal of and
2-46 interest on the bonds;

2-47 (3) right to impose or collect an assessment or tax; or

2-48 (4) legality or operation.

2-49 Sec. 4001.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

2-50 All or any part of the area of the district is eligible to be
2-51 included in:

2-52 (1) a tax increment reinvestment zone created under
2-53 Chapter 311, Tax Code; or

2-54 (2) a tax abatement reinvestment zone created under
2-55 Chapter 312, Tax Code.

2-56 Sec. 4001.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-57 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-58 Chapter 375, Local Government Code, applies to the district.

2-59 Sec. 4001.0108. CONSTRUCTION OF CHAPTER. This chapter
2-60 shall be liberally construed in conformity with the findings and
2-61 purposes stated in this chapter.

2-62 SUBCHAPTER B. BOARD OF DIRECTORS

2-63 Sec. 4001.0201. GOVERNING BODY; TERMS. (a) The district is
2-64 governed by a board of five elected directors who serve staggered
2-65 terms of four years.

2-66 (b) Directors are elected in the manner provided by
2-67 Subchapter D, Chapter 49, Water Code.

2-68 Sec. 4001.0202. COMPENSATION; EXPENSES. (a) The district
2-69 may compensate each director in an amount not to exceed \$150 for

3-1 each board meeting. The total amount of compensation for each
3-2 director in one year may not exceed \$7,200.

3-3 (b) A director is entitled to reimbursement for necessary
3-4 and reasonable expenses incurred in carrying out the duties and
3-5 responsibilities of the board.

3-6 Sec. 4001.0203. TEMPORARY DIRECTORS. (a) On or after the
3-7 effective date of the Act enacting this chapter, the owner or owners
3-8 of a majority of the assessed value of the real property in the
3-9 district may submit a petition to the Texas Commission on
3-10 Environmental Quality requesting that the commission appoint as
3-11 temporary directors the five persons named in the petition. The
3-12 commission shall appoint as temporary directors the five persons
3-13 named in the petition.

3-14 (b) The temporary or successor temporary directors shall
3-15 hold an election to elect five permanent directors as provided by
3-16 Section 49.102, Water Code.

3-17 (c) Temporary directors serve until the earlier of:

3-18 (1) the date permanent directors are elected under
3-19 Subsection (b); or

3-20 (2) the fourth anniversary of the effective date of
3-21 the Act enacting this chapter.

3-22 (d) If permanent directors have not been elected under
3-23 Subsection (b) and the terms of the temporary directors have
3-24 expired, successor temporary directors shall be appointed or
3-25 reappointed as provided by Subsection (e) to serve terms that
3-26 expire on the earlier of:

3-27 (1) the date permanent directors are elected under
3-28 Subsection (b); or

3-29 (2) the fourth anniversary of the date of the
3-30 appointment or reappointment.

3-31 (e) If Subsection (d) applies, the owner or owners of a
3-32 majority of the assessed value of the real property in the district
3-33 may submit a petition to the commission requesting that the
3-34 commission appoint as successor temporary directors the five
3-35 persons named in the petition. The commission shall appoint as
3-36 successor temporary directors the five persons named in the
3-37 petition.

3-38 SUBCHAPTER C. POWERS AND DUTIES

3-39 Sec. 4001.0301. GENERAL POWERS AND DUTIES. The district
3-40 has the powers and duties necessary to accomplish the purposes for
3-41 which the district is created.

3-42 Sec. 4001.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The
3-43 district, using any money available to the district for the
3-44 purpose, may provide, design, construct, acquire, improve,
3-45 relocate, operate, maintain, or finance an improvement project or
3-46 service authorized under this chapter or Chapter 375, Local
3-47 Government Code.

3-48 (b) The district may contract with a governmental or private
3-49 entity to carry out an action under Subsection (a).

3-50 (c) The implementation of a district project or service is a
3-51 governmental function or service for the purposes of Chapter 791,
3-52 Government Code.

3-53 Sec. 4001.0303. NONPROFIT CORPORATION. (a) The board by
3-54 resolution may authorize the creation of a nonprofit corporation to
3-55 assist and act for the district in implementing a project or
3-56 providing a service authorized by this chapter.

3-57 (b) The nonprofit corporation:

3-58 (1) has each power of and is considered to be a local
3-59 government corporation created under Subchapter D, Chapter 431,
3-60 Transportation Code; and

3-61 (2) may implement any project and provide any service
3-62 authorized by this chapter.

3-63 (c) The board shall appoint the board of directors of the
3-64 nonprofit corporation. The board of directors of the nonprofit
3-65 corporation shall serve in the same manner as the board of directors
3-66 of a local government corporation created under Subchapter D,
3-67 Chapter 431, Transportation Code, except that a board member is not
3-68 required to reside in the district.

3-69 Sec. 4001.0304. LAW ENFORCEMENT SERVICES. To protect the

4-1 public interest, the district may contract with a qualified party,
4-2 including the county, to provide law enforcement services in the
4-3 district for a fee.
4-4 Sec. 4001.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
4-5 The district may join and pay dues to a charitable or nonprofit
4-6 organization that performs a service or provides an activity
4-7 consistent with the furtherance of a district purpose.
4-8 Sec. 4001.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
4-9 district may engage in activities that accomplish the economic
4-10 development purposes of the district.
4-11 (b) The district may establish and provide for the
4-12 administration of one or more programs to promote state or local
4-13 economic development and to stimulate business and commercial
4-14 activity in the district, including programs to:
4-15 (1) make loans and grants of public money; and
4-16 (2) provide district personnel and services.
4-17 (c) The district may create economic development programs
4-18 and exercise the economic development powers provided to
4-19 municipalities by:
4-20 (1) Chapter 380, Local Government Code; and
4-21 (2) Subchapter A, Chapter 1509, Government Code.
4-22 Sec. 4001.0307. PARKING FACILITIES. (a) The district may
4-23 acquire, lease as lessor or lessee, construct, develop, own,
4-24 operate, and maintain parking facilities or a system of parking
4-25 facilities, including lots, garages, parking terminals, or other
4-26 structures or accommodations for parking motor vehicles off the
4-27 streets and related appurtenances.
4-28 (b) The district's parking facilities serve the public
4-29 purposes of the district and are owned, used, and held for a public
4-30 purpose even if leased or operated by a private entity for a term of
4-31 years.
4-32 (c) The district's parking facilities are parts of and
4-33 necessary components of a street and are considered to be a street
4-34 or road improvement.
4-35 (d) The development and operation of the district's parking
4-36 facilities may be considered an economic development program.
4-37 Sec. 4001.0308. ADDING OR EXCLUDING LAND. The district may
4-38 add or exclude land in the manner provided by Subchapter J, Chapter
4-39 49, Water Code, or by Subchapter H, Chapter 54, Water Code.
4-40 Sec. 4001.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-41 board by resolution shall establish the number of directors'
4-42 signatures and the procedure required for a disbursement or
4-43 transfer of district money.
4-44 Sec. 4001.0310. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT.
4-45 Section 375.161, Local Government Code, does not apply to the
4-46 district.
4-47 Sec. 4001.0311. EMINENT DOMAIN. The district may exercise
4-48 the power of eminent domain in the manner provided by Section
4-49 49.222, Water Code.
4-50 Sec. 4001.0312. DIVISION OF DISTRICT. (a) The district
4-51 may be divided into two or more new districts only if the district:
4-52 (1) has no outstanding bonded debt; and
4-53 (2) is not imposing ad valorem taxes.
4-54 (b) This chapter applies to any new district created by the
4-55 division of the district, and a new district has all the powers and
4-56 duties of the district.
4-57 (c) Any new district created by the division of the district
4-58 may not, at the time the new district is created, contain any land
4-59 outside the area described by Section 2 of the Act enacting this
4-60 chapter.
4-61 (d) The board, on its own motion or on receipt of a petition
4-62 signed by the owner or owners of a majority of the assessed value of
4-63 the real property in the district, may adopt an order dividing the
4-64 district.
4-65 (e) An order dividing the district must:
4-66 (1) name each new district;
4-67 (2) include the metes and bounds description of the
4-68 territory of each new district;
4-69 (3) appoint temporary directors for each new

5-1 district; and
 5-2 (4) provide for the division of assets and liabilities
 5-3 between or among the new districts.

5-4 (f) On or before the 30th day after the date of adoption of
 5-5 an order dividing the district, the district shall file the order
 5-6 with the Texas Commission on Environmental Quality and record the
 5-7 order in the real property records of each county in which the
 5-8 district is located.

5-9 (g) Any new district created by the division of the district
 5-10 must hold an election as required by this chapter to obtain voter
 5-11 approval before the district may impose a maintenance tax or issue
 5-12 bonds payable wholly or partly from ad valorem taxes.

5-13 (h) Municipal consent to the creation of the district and to
 5-14 the inclusion of land in the district granted under Section
 5-15 4001.0506 acts as municipal consent to the creation of any new
 5-16 district created by the division of the district and to the
 5-17 inclusion of land in the new district.

5-18 SUBCHAPTER D. ASSESSMENTS

5-19 Sec. 4001.0401. PETITION REQUIRED FOR FINANCING SERVICES
 5-20 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
 5-21 service or improvement project with assessments under this chapter
 5-22 unless a written petition requesting that service or improvement
 5-23 has been filed with the board.

5-24 (b) A petition filed under Subsection (a) must be signed by
 5-25 the owners of a majority of the assessed value of real property in
 5-26 the district subject to assessment according to the most recent
 5-27 certified tax appraisal roll for the county.

5-28 Sec. 4001.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
 5-29 The board by resolution may impose and collect an assessment for any
 5-30 purpose authorized by this chapter in all or any part of the
 5-31 district.

5-32 (b) An assessment, a reassessment, or an assessment
 5-33 resulting from an addition to or correction of the assessment roll
 5-34 by the district, penalties and interest on an assessment or
 5-35 reassessment, an expense of collection, and reasonable attorney's
 5-36 fees incurred by the district:

5-37 (1) are a first and prior lien against the property
 5-38 assessed;

5-39 (2) are superior to any other lien or claim other than
 5-40 a lien or claim for county, school district, or municipal ad valorem
 5-41 taxes; and

5-42 (3) are the personal liability of and a charge against
 5-43 the owners of the property even if the owners are not named in the
 5-44 assessment proceedings.

5-45 (c) The lien is effective from the date of the board's
 5-46 resolution imposing the assessment until the date the assessment is
 5-47 paid. The board may enforce the lien in the same manner that the
 5-48 board may enforce an ad valorem tax lien against real property.

5-49 (d) The board may make a correction to or deletion from the
 5-50 assessment roll that does not increase the amount of assessment of
 5-51 any parcel of land without providing notice and holding a hearing in
 5-52 the manner required for additional assessments.

5-53 SUBCHAPTER E. TAXES AND BONDS

5-54 Sec. 4001.0501. TAX ELECTION REQUIRED. (a) The district
 5-55 must hold an election in the manner provided by Chapter 49, Water
 5-56 Code, or, if applicable, Chapter 375, Local Government Code, to
 5-57 obtain voter approval before the district may impose an ad valorem
 5-58 tax.

5-59 (b) Section 375.243, Local Government Code, does not apply
 5-60 to the district.

5-61 Sec. 4001.0502. OPERATION AND MAINTENANCE TAX. (a) If
 5-62 authorized by a majority of the district voters voting at an
 5-63 election under Section 4001.0501, the district may impose an
 5-64 operation and maintenance tax on taxable property in the district
 5-65 in the manner provided by Section 49.107, Water Code, for any
 5-66 district purpose, including to:

5-67 (1) maintain and operate the district;

5-68 (2) construct or acquire improvements; or

5-69 (3) provide a service.

6-1 (b) The board shall determine the operation and maintenance
6-2 tax rate. The rate may not exceed the rate approved at the
6-3 election.

6-4 Sec. 4001.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE
6-5 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
6-6 terms determined by the board.

6-7 (b) The district may issue bonds, notes, or other
6-8 obligations payable wholly or partly from ad valorem taxes,
6-9 assessments, impact fees, revenue, contract payments, grants, or
6-10 other district money, or any combination of those sources of money,
6-11 to pay for any authorized district purpose.

6-12 (c) The district may issue bonds, notes, or other
6-13 obligations payable wholly or partly from assessments in the manner
6-14 provided by Subchapter A, Chapter 372, Local Government Code, if
6-15 the improvements financed by an obligation issued under this
6-16 section will be conveyed to or operated and maintained by a
6-17 municipality or county or other retail utility provider pursuant to
6-18 an agreement with the district entered into before the issuance of
6-19 the obligation.

6-20 Sec. 4001.0504. BONDS SECURED BY REVENUE OR CONTRACT
6-21 PAYMENTS. The district may issue, without an election, bonds
6-22 secured by:

6-23 (1) revenue other than ad valorem taxes, including
6-24 contract revenues; or

6-25 (2) contract payments, provided that the requirements
6-26 of Section 49.108, Water Code, have been met.

6-27 Sec. 4001.0505. BONDS SECURED BY AD VALOREM TAXES;
6-28 ELECTIONS. (a) If authorized at an election under Section
6-29 4001.0501, the district may issue bonds payable from ad valorem
6-30 taxes.

6-31 (b) At the time the district issues bonds payable wholly or
6-32 partly from ad valorem taxes, the board shall provide for the annual
6-33 imposition of a continuing direct annual ad valorem tax, without
6-34 limit as to rate or amount, for each year that all or part of the
6-35 bonds are outstanding as required and in the manner provided by
6-36 Sections 54.601 and 54.602, Water Code.

6-37 (c) All or any part of any facilities or improvements that
6-38 may be acquired by a district by the issuance of its bonds may be
6-39 submitted as a single proposition or as several propositions to be
6-40 voted on at the election.

6-41 Sec. 4001.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The
6-42 board may not issue bonds until each municipality in whose
6-43 corporate limits or extraterritorial jurisdiction the district is
6-44 located has consented by ordinance or resolution to the creation of
6-45 the district and to the inclusion of land in the district as
6-46 required by applicable law.

6-47 (b) This section applies only to the district's first
6-48 issuance of bonds payable from ad valorem taxes.

6-49 SUBCHAPTER I. DISSOLUTION

6-50 Sec. 4001.0901. DISSOLUTION. (a) The board shall dissolve
6-51 the district on written petition filed with the board by the owners
6-52 of:

6-53 (1) at least two-thirds of the assessed value of the
6-54 property subject to assessment by the district based on the most
6-55 recent certified county property tax rolls; or

6-56 (2) at least two-thirds of the surface area of the
6-57 district, excluding roads, streets, highways, utility
6-58 rights-of-way, other public areas, and other property exempt from
6-59 assessment by the district according to the most recent certified
6-60 county property tax rolls.

6-61 (b) The board by majority vote may dissolve the district at
6-62 any time.

6-63 (c) The district may not be dissolved by its board under
6-64 Subsection (a) or (b) if the district:

6-65 (1) has any outstanding bonded indebtedness until that
6-66 bonded indebtedness has been repaid or defeased in accordance with
6-67 the order or resolution authorizing the issuance of the bonds;

6-68 (2) has a contractual obligation to pay money until
6-69 that obligation has been fully paid in accordance with the

7-1 contract; or
7-2 (3) owns, operates, or maintains public works,
7-3 facilities, or improvements unless the district contracts with
7-4 another person for the ownership, operation, or maintenance of the
7-5 public works, facilities, or improvements.

7-6 (d) Sections 375.261, 375.262, and 375.264, Local
7-7 Government Code, do not apply to the district.

7-8 SECTION 2. The Denton County Municipal Management District
7-9 No. 2 initially includes all territory contained in the following
7-10 area:

7-11 TRACT I:

7-12 ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING
7-13 SITUATED IN THE B. WAY SURVEY, ABSTRACT NUMBER 1350, W. JOHNSON
7-14 SURVEY, ABSTRACT NUMBER 680, J. STEWART, ABSTRACT NUMBER 1199,
7-15 DENTON COUNTY, TEXAS, AND BEING PART OF A TRACT DESCRIBED IN A DEED
7-16 TO CLEAR CREEK RIDGE, LLC, RECORDED IN VOLUME 5127, PAGE 1955, AND
7-17 VOLUME 5127, PAGE 1951, REAL PROPERTY RECORDS OF DENTON COUNTY,
7-18 TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

7-19 BEGINNING AT A 1/2 INCH IRON PIN FOUND AT THE SOUTHERN MOST
7-20 SOUTHEAST CORNER OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127,
7-21 PAGE 1955 AND BEING ON THE WEST LINE OF A DEED TO F. JEFFERY CHARNEY,
7-22 RECORDED IN VOLUME 3035, PAGE 534, REAL PROPERTY RECORDS, DENTON
7-23 COUNTY, TEXAS, AND BEING ON THE NORTHERN MOST NORTHEAST CORNER OF A
7-24 TRACT DESCRIBED IN A DEED TO ROYAL WHITE JONES, RECORDED IN VOLUME
7-25 1231, PAGE 701, DEED RECORDS, DENTON COUNTY, TEXAS;

7-26 THENCE NORTH 71 DEGREES 47 MINUTES 53 SECONDS WEST WITH THE
7-27 SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
7-28 1955, A DISTANCE OF 5542.39 FEET TO A 1/2 INCH IRON PIN SET AT THE
7-29 SOUTHERN MOST SOUTHWEST CORNER OF SAID CLEAR CREEK RIDGE TRACT IN
7-30 VOLUME 5127, PAGE 1955, AN INNER ELL CORNER OF A TRACT DESCRIBED IN
7-31 A DEED TO CASEY MARK HARRINGTON, RECORDED IN VOLUME 2031, PAGE 348,
7-32 REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

7-33 THENCE NORTH WITH A WEST LINE OF SAID CLEAR CREEK RIDGE TRACT
7-34 IN VOLUME 5127, PAGE 1955, A DISTANCE OF 240.00 FEET TO A 1/2 INCH
7-35 IRON PIN SET AT A SOUTHWEST CORNER OF SAID CLEAR CREEK RIDGE TRACT
7-36 IN VOLUME 5127, PAGE 1955;

7-37 THENCE SOUTH 89 DEGREES 24 MINUTES 00 SECONDS EAST, A
7-38 DISTANCE OF 154.60 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER AT AN
7-39 INNER ELL CORNER OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127,
7-40 PAGE 1955 AND THE SOUTHEAST CORNER OF A TRACT DESCRIBED IN A DEED TO
7-41 MARY TOM CRAVENS CURNUTT, RECORDED IN VOLUME 2505, PAGE 298, REAL
7-42 PROPERTY RECORDS, DENTON COUNTY, TEXAS;

7-43 THENCE NORTH 15 DEGREES 54 MINUTES 04 SECONDS EAST WITH THE
7-44 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
7-45 A DISTANCE OF 2222.30 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER;

7-46 THENCE SOUTH 82 DEGREES 47 MINUTES 03 SECONDS EAST WITH A
7-47 SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
7-48 1955, A DISTANCE OF 667.90 FEET TO A 1/2 INCH IRON PIN FOUND FOR
7-49 CORNER;

7-50 THENCE NORTH 56 DEGREES 22 MINUTES 21 SECONDS EAST WITH A
7-51 SOUTHWEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
7-52 1955, A DISTANCE OF 642.42 FEET TO A 1/2 INCH IRON PIN FOUND FOR
7-53 CORNER;

7-54 THENCE NORTH 50 DEGREES 04 MINUTES 04 SECONDS EAST WITH A
7-55 SOUTHWEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
7-56 1955, A DISTANCE OF 311.43 FEET TO A 1/2 INCH IRON PIN FOUND FOR
7-57 CORNER;

7-58 THENCE NORTH 36 DEGREES 03 MINUTES 57 SECONDS EAST WITH THE
7-59 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
7-60 A DISTANCE OF 1119.19 FEET TO A 1/2 INCH IRON PIN FOUND FOR CORNER;

7-61 THENCE NORTH 26 DEGREES 07 MINUTES 18 SECONDS WEST WITH THE
7-62 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
7-63 A DISTANCE OF 1390.50 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER;

7-64 THENCE NORTH 00 DEGREES 14 MINUTES 50 SECONDS EAST WITH THE
7-65 WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
7-66 A DISTANCE OF 913.00 FEET TO A 1/2 INCH IRON PIN SET FOR CORNER ON
7-67 THE NORTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE
7-68 1955, AND THE SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME
7-69 5127, PAGE 1951;

8-1 THENCE NORTH 89 DEGREES 52 MINUTES 14 SECONDS WEST WITH A
8-2 NORTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955
8-3 AND THE SOUTH LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127,
8-4 PAGE 1951, A DISTANCE OF 771.47 FEET TO A 1/2 INCH IRON PIN SET FOR
8-5 CORNER BEING ON A WEST LINE OF SAID CLEAR CREEK RIDGE TRACT IN
8-6 VOLUME 5127, PAGE 1951 AND AN EAST LINE OF A TRACT DESCRIBED IN A
8-7 DEED TO RAY HENGER, RECORDED IN VOLUME 4612, PAGE 567, REAL PROPERTY
8-8 RECORDS, DENTON COUNTY, TEXAS;
8-9 THENCE NORTH 00 DEGREES 46 MINUTES 29 SECONDS WEST WITH A WEST
8-10 LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1951 AND
8-11 AN EAST LINE OF SAID HENGER TRACT, A DISTANCE OF 1151.02 FEET TO A
8-12 1/2 INCH IRON PIN SET FOR CORNER;
8-13 THENCE WITH CLEAR CREEK THE FOLLOWING FIFTY-FOUR (54) CALLS:
8-14 1.) NORTH 55 DEGREES 38 MINUTES 38 SECONDS EAST, A DISTANCE
8-15 OF 110.80 FEET;
8-16 2.) NORTH 51 DEGREES 23 MINUTES 04 SECONDS EAST, A DISTANCE
8-17 OF 278.21 FEET;
8-18 3.) SOUTH 70 DEGREES 46 MINUTES 01 SECONDS EAST, A DISTANCE
8-19 OF 415.87 FEET;
8-20 4.) SOUTH 40 DEGREES 58 MINUTES 38 SECONDS EAST, A DISTANCE
8-21 OF 604.83 FEET;
8-22 5.) SOUTH 51 DEGREES 09 MINUTES 01 SECONDS EAST, A DISTANCE
8-23 OF 410.80 FEET;
8-24 6.) SOUTH 37 DEGREES 53 MINUTES 33 SECONDS EAST, A DISTANCE
8-25 OF 82.37 FEET;
8-26 7.) SOUTH 18 DEGREES 46 MINUTES 16 SECONDS EAST, A DISTANCE
8-27 OF 75.16 FEET;
8-28 8.) SOUTH 05 DEGREES 46 MINUTES 16 SECONDS WEST, A DISTANCE
8-29 OF 49.39 FEET;
8-30 9.) SOUTH 22 DEGREES 04 MINUTES 06 SECONDS WEST, A DISTANCE
8-31 OF 308.38 FEET;
8-32 10.) SOUTH 26 DEGREES 11 MINUTES 20 SECONDS WEST, A DISTANCE
8-33 OF 76.63 FEET;
8-34 11.) SOUTH 26 DEGREES 11 MINUTES 20 SECONDS WEST, A DISTANCE
8-35 OF 547.10 FEET;
8-36 12.) SOUTH 46 DEGREES 12 MINUTES 54 SECONDS EAST, A DISTANCE
8-37 OF 174.23 FEET;
8-38 13.) NORTH 86 DEGREES 27 MINUTES 32 SECONDS EAST, A DISTANCE
8-39 OF 417.50 FEET;
8-40 14.) NORTH 53 DEGREES 53 MINUTES 06 SECONDS EAST, A DISTANCE
8-41 OF 225.22 FEET;
8-42 15.) SOUTH 70 DEGREES 20 MINUTES 06 SECONDS EAST, A DISTANCE
8-43 OF 93.57 FEET;
8-44 16.) SOUTH 54 DEGREES 37 MINUTES 57 SECONDS EAST, A DISTANCE
8-45 OF 330.11 FEET;
8-46 17.) NORTH 64 DEGREES 44 MINUTES 37 SECONDS EAST, A DISTANCE
8-47 OF 674.49 FEET;
8-48 18.) NORTH 84 DEGREES 14 MINUTES 43 SECONDS EAST, A DISTANCE
8-49 OF 100.20 FEET;
8-50 19.) SOUTH 56 DEGREES 23 MINUTES 54 SECONDS EAST, A DISTANCE
8-51 OF 116.40 FEET;
8-52 20.) SOUTH 06 DEGREES 22 MINUTES 27 SECONDS WEST, A DISTANCE
8-53 OF 228.98 FEET;
8-54 21.) SOUTH 52 DEGREES 30 MINUTES 28 SECONDS WEST, A DISTANCE
8-55 OF 271.35 FEET;
8-56 22.) SOUTH 87 DEGREES 06 MINUTES 16 SECONDS WEST, A DISTANCE
8-57 OF 326.84 FEET;
8-58 23.) SOUTH 63 DEGREES 22 MINUTES 32 SECONDS WEST, A DISTANCE
8-59 OF 93.18 FEET;
8-60 24.) SOUTH 19 DEGREES 39 MINUTES 44 SECONDS WEST, A DISTANCE
8-61 OF 274.65 FEET;
8-62 25.) SOUTH 06 DEGREES 09 MINUTES 26 SECONDS EAST, A DISTANCE
8-63 OF 129.80 FEET;
8-64 26.) SOUTH 59 DEGREES 41 MINUTES 10 SECONDS EAST, A DISTANCE
8-65 OF 155.04 FEET;
8-66 27.) NORTH 61 DEGREES 09 MINUTES 15 SECONDS EAST, A DISTANCE
8-67 OF 459.27 FEET;
8-68 28.) SOUTH 85 DEGREES 11 MINUTES 12 SECONDS EAST, A DISTANCE
8-69 OF 101.67 FEET;

9-1 29.) SOUTH 50 DEGREES 11 MINUTES 20 SECONDS EAST, A DISTANCE
9-2 OF 160.52 FEET;
9-3 30.) SOUTH 19 DEGREES 38 MINUTES 33 SECONDS EAST, A DISTANCE
9-4 OF 218.07 FEET;
9-5 31.) SOUTH 08 DEGREES 39 MINUTES 06 SECONDS WEST, A DISTANCE
9-6 OF 110.67 FEET;
9-7 32.) SOUTH 60 DEGREES 37 MINUTES 40 SECONDS WEST, A DISTANCE
9-8 OF 111.17 FEET;
9-9 33.) NORTH 71 DEGREES 44 MINUTES 44 SECONDS WEST, A DISTANCE
9-10 OF 205.32 FEET;
9-11 34.) NORTH 58 DEGREES 00 MINUTES 21 SECONDS WEST, A DISTANCE
9-12 OF 175.42 FEET;
9-13 35.) SOUTH 60 DEGREES 53 MINUTES 09 SECONDS WEST, A DISTANCE
9-14 OF 81.38 FEET;
9-15 36.) SOUTH 19 DEGREES 12 MINUTES 39 SECONDS EAST, A DISTANCE
9-16 OF 180.46 FEET;
9-17 37.) SOUTH 31 DEGREES 27 MINUTES 36 SECONDS EAST, A DISTANCE
9-18 OF 348.51 FEET;
9-19 38.) SOUTH 08 DEGREES 24 MINUTES 19 SECONDS WEST, A DISTANCE
9-20 OF 80.11 FEET;
9-21 39.) SOUTH 44 DEGREES 00 MINUTES 08 SECONDS WEST, A DISTANCE
9-22 OF 157.91 FEET;
9-23 40.) SOUTH 69 DEGREES 06 MINUTES 14 SECONDS WEST, A DISTANCE
9-24 OF 188.37 FEET;
9-25 41.) SOUTH 03 DEGREES 39 MINUTES 31 SECONDS WEST, A DISTANCE
9-26 OF 190.40 FEET;
9-27 42.) SOUTH 62 DEGREES 37 MINUTES 49 SECONDS EAST, A DISTANCE
9-28 OF 165.30 FEET;
9-29 43.) NORTH 43 DEGREES 07 MINUTES 44 SECONDS EAST, A DISTANCE
9-30 OF 253.82 FEET;
9-31 44.) NORTH 58 DEGREES 54 MINUTES 00 SECONDS EAST, A DISTANCE
9-32 OF 135.83 FEET;
9-33 45.) SOUTH 34 DEGREES 09 MINUTES 46 SECONDS EAST, A DISTANCE
9-34 OF 149.30 FEET;
9-35 46.) SOUTH 21 DEGREES 47 MINUTES 10 SECONDS WEST, A DISTANCE
9-36 OF 518.33 FEET;
9-37 47.) SOUTH 20 DEGREES 01 MINUTES 56 SECONDS EAST, A DISTANCE
9-38 OF 329.19 FEET;
9-39 48.) SOUTH 66 DEGREES 36 MINUTES 28 SECONDS EAST, A DISTANCE
9-40 OF 195.08 FEET;
9-41 49.) SOUTH 87 DEGREES 31 MINUTES 31 SECONDS EAST, A DISTANCE
9-42 OF 403.76 FEET;
9-43 50.) SOUTH 68 DEGREES 26 MINUTES 25 SECONDS EAST, A DISTANCE
9-44 OF 144.04 FEET;
9-45 51.) SOUTH 03 DEGREES 41 MINUTES 33 SECONDS WEST, A DISTANCE
9-46 OF 91.78 FEET;
9-47 52.) SOUTH 23 DEGREES 36 MINUTES 59 SECONDS WEST, A DISTANCE
9-48 OF 322.95 FEET;
9-49 53.) SOUTH 39 DEGREES 05 MINUTES 30 SECONDS EAST, A DISTANCE
9-50 OF 167.15 FEET;
9-51 54.) SOUTH 54 DEGREES 29 MINUTES 12 SECONDS EAST, A DISTANCE
9-52 OF 152.28 FEET TO A 1/2 INCH IRON PIN FOUND ON AN EAST LINE OF SAID
9-53 CLEAR CREEK RIDGE TRACT;
9-54 THENCE SOUTH 00 DEGREES 52 MINUTES 17 SECONDS EAST WITH AN
9-55 EAST LINE OF SAID CLEAR CREEK RIDGE TRACT IN VOLUME 5127, PAGE 1955,
9-56 A DISTANCE OF 3736.55 FEET TO THE POINT OF BEGINNING AND CONTAINING
9-57 IN ALL 535.703 ACRES OF LAND.
9-58 SECTION 3. (a) The legal notice of the intention to
9-59 introduce this Act, setting forth the general substance of this
9-60 Act, has been published as provided by law, and the notice and a
9-61 copy of this Act have been furnished to all persons, agencies,
9-62 officials, or entities to which they are required to be furnished
9-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-64 Government Code.
9-65 (b) The governor, one of the required recipients, has
9-66 submitted the notice and Act to the Texas Commission on
9-67 Environmental Quality.
9-68 (c) The Texas Commission on Environmental Quality has filed
9-69 its recommendations relating to this Act with the governor,

10-1 lieutenant governor, and speaker of the house of representatives
10-2 within the required time.

10-3 (d) All requirements of the constitution and laws of this
10-4 state and the rules and procedures of the legislature with respect
10-5 to the notice, introduction, and passage of this Act have been
10-6 fulfilled and accomplished.

10-7 SECTION 4. (a) Section 4001.0311, Special District Local
10-8 Laws Code, as added by Section 1 of this Act, takes effect only if
10-9 this Act receives a two-thirds vote of all the members elected to
10-10 each house.

10-11 (b) If this Act does not receive a two-thirds vote of all the
10-12 members elected to each house, Subchapter C, Chapter 4001, Special
10-13 District Local Laws Code, as added by Section 1 of this Act, is
10-14 amended by adding Section 4001.0311 to read as follows:

10-15 Sec. 4001.0311. NO EMINENT DOMAIN POWER. The district may
10-16 not exercise the power of eminent domain.

10-17 SECTION 5. This Act takes effect immediately if it receives
10-18 a vote of two-thirds of all the members elected to each house, as
10-19 provided by Section 39, Article III, Texas Constitution. If this
10-20 Act does not receive the vote necessary for immediate effect, this
10-21 Act takes effect September 1, 2023.

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