

By: Flynn

H.B. No. 812

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Sunrise Municipal Utility District of Hunt County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8107 to read as follows:

CHAPTER 8107. SUNRISE MUNICIPAL UTILITY DISTRICT OF HUNT COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8107.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the Sunrise Municipal Utility District of Hunt County.

Sec. 8107.002. NATURE OF DISTRICT. The district is a municipal utility district in Hunt County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Sec. 8107.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8107.023 before September 1, 2007:

(1) the district is dissolved September 1, 2007,

except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Hunt County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2010.

Sec. 8107.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

(1) the organization, existence, or validity of the district;

(2) the right of the district to impose taxes; or

(3) the legality or operation of the board.

[Sections 8107.005-8107.020 reserved for expansion]

SUBCHAPTER A1. TEMPORARY PROVISIONS

Sec. 8107.021. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Eugene Bragg Smith III;

(2) Christopher M. Cook;

(3) Roger Lee Andres;

(4) Joseph John Radecki; and

1           (5) David Ian Rouble.

2           (b) If a temporary director fails to qualify for office, the  
3 temporary directors who have qualified shall appoint a person to  
4 fill the vacancy. If at any time there are fewer than three  
5 qualified temporary directors, the Texas Commission on  
6 Environmental Quality shall appoint the necessary number of persons  
7 to fill all vacancies on the board.

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

9           (1) the date directors are elected under Section  
10 8107.023; or

11           (2) the date this chapter expires under Section  
12 8107.003.

13           Sec. 8107.022. ORGANIZATIONAL MEETING OF TEMPORARY  
14 DIRECTORS. As soon as practicable after all the temporary  
15 directors have qualified under Section 49.055, Water Code, the  
16 temporary directors shall convene the organizational meeting of the  
17 district at a location in the district agreeable to a majority of  
18 the directors. If a location cannot be agreed upon, the  
19 organizational meeting shall be at the Hunt County Courthouse.

20           Sec. 8107.023. CONFIRMATION AND INITIAL DIRECTORS'  
21 ELECTION. The temporary directors shall hold an election to  
22 confirm the creation of the district and to elect five directors as  
23 provided by Section 49.102, Water Code.

24           Sec. 8107.024. INITIAL ELECTED DIRECTORS; TERMS. The  
25 directors elected under Section 8107.023 shall draw lots to  
26 determine which two shall serve until the first regularly scheduled  
27 election of directors under Section 8107.052 and which three shall

1 serve until the second regularly scheduled election of directors.

2 Sec. 8107.025. EXPIRATION OF SUBCHAPTER. This subchapter  
3 expires September 1, 2010.

4 [Sections 8107.026-8107.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 8107.051. DIRECTORS; TERMS. (a) The district is  
7 governed by a board of five directors.

8 (b) Directors serve staggered four-year terms.

9 Sec. 8107.052. ELECTION OF DIRECTORS. On the uniform  
10 election date in May of each even-numbered year, the appropriate  
11 number of directors shall be elected.

12 [Sections 8107.053-8107.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8107.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
15 DUTIES. The district has the powers and duties provided by the  
16 general law of this state, including Chapters 49 and 54, Water Code,  
17 applicable to municipal utility districts created under Section 59,  
18 Article XVI, Texas Constitution.

19 Sec. 8107.102. ROAD PROJECTS. (a) The district may  
20 construct, acquire, improve, maintain, or operate macadamized,  
21 graveled, or paved roads or turnpikes, or improvements in aid of  
22 those roads or turnpikes, inside or outside the district.

23 (b) A project authorized by this section must meet only the  
24 construction standards adopted by the North Central Texas Council  
25 of Governments, or its successor agency.

26 Sec. 8107.103. ROAD CONTRACTS. The district may contract  
27 for a road project in the same manner as provided by Subchapter I,

Chapter 49, Water Code.

Sec. 8107.104. WATER CONTROL AND STORAGE PROJECTS. (a) The district may construct, acquire, improve, enlarge, extend, repair, or maintain dams, levees, walls, dikes, embankments, canals, reservoirs, lakes, or other improvements as necessary to control, store, or preserve water in the district for any useful purpose.

(b) The district may overflow and inundate district lands and other district property in the district.

(c) A project authorized by this section is subject to all applicable permitting and regulatory requirements.

Sec. 8107.105. CERTIFICATE OF CONVENIENCE AND NECESSITY.

(a) The district may pay out of bond proceeds or other available district money all expenses, including legal, engineering, and other fees, related to obtaining a new certificate of convenience and necessity under Chapter 13, Water Code, authorizing the district to provide retail water or sewer service inside or outside the district.

(b) The district may pay out of bond proceeds or other available district money all expenses, including the purchase price, related to acquiring certificate of convenience and necessity rights from another retail public utility to allow the district to provide retail water or sewer service in the district.

Sec. 8107.106. CONTRACT WITH POLITICAL SUBDIVISION FOR WATER OR SEWER SERVICES. (a) The district may enter into a contract to allow a political subdivision to provide retail water or sewer service in the district. The contract may contain terms the board considers desirable, fair, and advantageous to the

1 district.

2 (b) The contract may provide that the district will  
3 construct or acquire and convey to the political subdivision a  
4 water supply or treatment system, a water distribution system, or a  
5 sanitary sewage collection or treatment system, as necessary to  
6 provide water or sewer service in the district.

7 (c) The district may use bond proceeds or other available  
8 district money to pay for its obligations and for services and  
9 facilities provided under the contract.

10 (d) If the contract requires the district to make payments  
11 from taxes other than operation and maintenance taxes, the contract  
12 is subject to Section 49.108, Water Code.

13 [Sections 8107.107-8107.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8107.151. OPERATION AND MAINTENANCE TAX. (a) The  
16 district may impose a tax for any district operation and  
17 maintenance purpose in the manner provided by Section 49.107, Water  
18 Code.

19 (b) Section 49.107(f), Water Code, does not apply to  
20 reimbursements for projects constructed or acquired under Section  
21 8107.102.

22 Sec. 8107.152. TAX TO REPAY BONDS. The district may impose  
23 a tax to pay the principal of and interest on bonds issued under  
24 Section 8107.201.

25 Sec. 8107.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
26 ASSESSMENTS. The district may not impose an impact fee or  
27 assessment on the property, including the equipment,

rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2) a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3) a telecommunications provider as defined by Section 51.002, Utilities Code;

(4) a cable operator, as defined by 47 U.S.C. Section 522; or

(5) a person who provides to the public advanced telecommunications services.

[Sections 8107.154-8107.200 reserved for expansion]

#### SUBCHAPTER E. BONDS

Sec. 8107.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 54, Water Code, and to finance:

(1) the construction, maintenance, or operation of projects under Sections 8107.102 and 8107.104; or

(2) the district's contractual obligations under Section 8107.106.

(b) The district may not issue bonds or other obligations secured wholly or partly by ad valorem taxation to finance projects authorized by Section 8107.102 unless the issuance is approved by a vote of a two-thirds majority of the voters of the district voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 8107.102 may not exceed one-fourth

1 of the assessed value of the real property in the district.

2 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
3 a project undertaken by the district under Section 8107.102 or to  
4 bonds issued by the district to finance the project.

5 [Sections 8107.202-8107.250 reserved for expansion]

6 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

7 Sec. 8107.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At  
8 any time before the district issues indebtedness secured by taxes  
9 or net revenues, the district, including any annexed territory, may  
10 be divided into two or more new districts.

11 (b) A new district created by division of the district must  
12 be at least 100 acres.

13 (c) The board may consider a proposal to divide the district  
14 on:

15 (1) a petition of a landowner in the district; or

16 (2) a motion by the board.

17 (d) If the board decides to divide the district, the board  
18 shall:

19 (1) set the terms of the division, including names for  
20 the new districts and a plan for the payment or performance of any  
21 outstanding district obligations; and

22 (2) prepare a metes and bounds description for each  
23 proposed district.

24 Sec. 8107.252. ELECTION FOR DIVISION OF DISTRICT. (a)  
25 After the board has complied with Section 8107.251(d), the board  
26 shall hold an election in the district to determine whether the  
27 district should be divided as proposed.



1        (b) The board shall give notice of the election not later  
2 than the 35th day before the date of the election. The notice must  
3 state:

4                (1) the date and location of the election; and

5                (2) the proposition to be voted on.

6        (c) If a majority of the votes cast are in favor of the  
7 division:

8                (1) the district shall be divided; and

9                (2) not later than the 30th day after the date of the  
10 election, the district shall provide written notice of the division  
11 to:

12                        (A) the Texas Commission on Environmental  
13 Quality;

14                        (B) the attorney general;

15                        (C) the commissioners court of each county in  
16 which a new district is located; and

17                        (D) any municipality having extraterritorial  
18 jurisdiction over territory in each new district.

19        (d) If a majority of the votes cast are not in favor of the  
20 division, the district may not be divided.

21        Sec. 8107.253. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)  
22 Not later than the 90th day after the date of an election in favor of  
23 the division of the district, the board shall:

24                (1) appoint itself as the board of one of the new  
25 districts; and

26                (2) appoint five directors for each of the other new  
27 districts.

1       (b) Directors appointed under Subsection (a)(1) serve the  
2 staggered terms to which they were elected in the original  
3 district. Directors appointed under Subsection (a)(2) serve until  
4 the election for directors under Subsection (c).

5       (c) On the uniform election date in May of the first  
6 even-numbered year after the year in which the directors are  
7 appointed, an election shall be held to elect five directors in each  
8 district for which directors were appointed under Subsection  
9 (a)(2). The directors shall draw lots to determine which two shall  
10 serve two-year terms and which three shall serve four-year terms.

11       (d) Except as provided by Subsection (c), directors serve  
12 staggered four-year terms. On the uniform election date in May of  
13 each even-numbered year, the appropriate number of directors shall  
14 be elected.

15       Sec. 8107.254. CONTINUING POWERS AND OBLIGATIONS OF NEW  
16 DISTRICTS. (a) Each new district may incur and pay debts and has  
17 all powers of the original district created by this chapter.

18       (b) If the district is divided as provided by this  
19 subchapter, the current obligations and any bond authorizations of  
20 the district are not impaired. Debts shall be paid by revenues or  
21 by taxes or assessments imposed on real property in the district as  
22 if the district had not been divided or by contributions from each  
23 new district as stated in the terms set by the board under Section  
24 8107.251(d).

25       (c) Any other district obligation shall be divided pro rata  
26 among the new districts on an acreage basis or on other terms that  
27 are satisfactory to the new districts.

1        Sec. 8107.255. CONTRACT AUTHORITY OF NEW DISTRICTS. The  
2 new districts may contract with each other for:

- 3            (1) water and wastewater services; or  
4            (2) any other matter the boards of the new districts  
5 consider appropriate.

6        SECTION 2. The district initially includes all the  
7 territory contained in the following described area:

8        Being a 1317.28 acre tract of land situated in the J.C. Newell  
9 Survey, Abstract number 794, W.L. Burton Survey, Abstract number  
10 52, John Montgomery Survey, Abstract number 701, Jas. A. Jones  
11 Survey, Abstract number 545, J.M. Rush Survey, Abstract number 894,  
12 and the J. McAdams Survey, Abstract number 652, County of Hunt and  
13 being a portion of a called 1,592.369 acre tract of land as  
14 described in deed to JRC/Quinlan Ranch LTD. As recorded in Volume  
15 438, Page 356 of the Deed Records of Hunt County, Texas, said  
16 1,425.22 acre tract being more particularly described as follows:

17 BEGINNING at a point in the north line of a called 1592.369 acre  
18 tract of land as described in deed to JRC/Quinlan Ranch, Ltd. as  
19 recorded in Volume 438, Page 356 of said Deed Records, and in the  
20 south right of way line of State Highway 276 (a variable width  
21 right-of-way), said point being the northeast corner of this tract;  
22 THENCE South 00°23'07" East, leaving north line of said JCR/Quinlan  
23 Ranch tract and south right of way line of said State Highway 276, a  
24 distance of 4968.81 feet to a point for corner in the north line of a  
25 called 72.5 acre tract of land as described in deed to Renshaw  
26 Revocable Living Trust as recorded in Volume 317, Page 807 of said  
27 Deed Records, from which a 3/4" found iron pipe bears North

1 89°36'53" West, a distance of 845.21 feet;  
2 THENCE South 89°36'53" West, along the north line of said called  
3 72.5 acre tract, a distance of 688.12 feet to a 3/4 inch iron pipe  
4 found for the northwest corner of said called 72.5 acre tract;  
5 THENCE South 00°23'07" East, along the west line of said called 72.5  
6 acre tract, a distance of 2057.78 feet to a 5/8 inch iron rod set  
7 with yellow plastic cap stamped "COTTON SURVEYING" for the  
8 southwest corner of said called 72.5 acre tract and being in the  
9 north line of a called 36.63 acre tract of land as described in deed  
10 to Szabo as recorded in Volume 194, Page 55 of said Deed Records,  
11 said iron rod also being in the approximate centerline of said  
12 County Road 2300 and having a 3/8 inch iron pipe which bears North  
13 10°02'50" West, a distance of 21.03 feet;  
14 THENCE South 89°20'30" West, along the north line of called 36.63  
15 acre tract of land and the approximate centerline of said County  
16 Road 2300, a distance of 369.89 feet to a 1/2 inch iron rod found for  
17 the northwest corner of said called 36.63 acre tract and the  
18 northeast corner of a called 29.992 acre tract of land as described  
19 in deed to Clounts as recorded in Volume 194, Page 58 of said Deed  
20 Records;  
21 THENCE South 89°36'46" West, along the north line of said called  
22 29.992 acre tract, passing the northwest corner of said called  
23 29.992 acre tract and the northeast corner of a called 11.927 acre  
24 tract of land as described in deed to Szabo as recorded in Volume  
25 194, Page 53 of said Deed Records, in all a total distance of  
26 2036.12 feet to a fence corner post found for the northwest corner  
27 of said called 11.927 acre tract;

H.B. No. 812

1 THENCE South 01°27'54" West, along the west line of said called  
2 29.992 acre tract, passing a 5/8 inch iron rod found at a distance  
3 of 832.00 feet, in all a total distance of 858.86 feet to a 5/8 inch  
4 iron rod found for the southwest corner of said called 11.927 acre  
5 tract, and being in the north line of a called 12.627 acre tract of  
6 land as described in deed to Kirby as recorded in Volume 477, Page  
7 337 of said Deed Records and being in the approximate centerline of  
8 said County Road 2300;

9 THENCE North 89°45'20" West, along the north line of said called  
10 12.627 acre tract and along the approximate centerline of said  
11 County Road 2300, passing the northwest corner of said called  
12 12.627 acre tract and the northeast corner of a called 24.5 acre  
13 tract of land as described in deed to Parks as recorded in Volume  
14 957, Page 221 of said Deed Records, in all a total distance of  
15 909.16 feet to a 5/8 inch iron rod set with yellow plastic cap  
16 stamped "COTTON SURVEYING" for the northwest corner of said called  
17 24.5 acre tract and the northeast corner of a called 6.4194 acre  
18 tract of land as described in deed to Dewey as recorded in Volume  
19 378, Page 315 of said Deed Records;

20 THENCE North 87°56'19" West, along the north line of said called  
21 6.4194 acre tract, a distance of 615.35 feet to a 5/8 inch iron rod  
22 set with yellow plastic cap stamped "COTTON SURVEYING" for the  
23 northwest corner of said called 6.4194 acre tract and the northeast  
24 corner of a called 270.921 acre tract of land as described in deed  
25 to Young as recorded in Volume 692, Page 50 of said Deed Records;

26 THENCE South 89°11'14" West, along the north line of said called  
27 270.921 acre tract, a distance of 2905.80 feet to a 3/8 inch iron

H.B. No. 812

1 rod found for the northwest corner of said called 270.921 acre tract  
2 and being in the east line of Lot 19 of Whispering Oaks Subdivision,  
3 Phase I, an addition to Hunt County, Texas, according to the map or  
4 plat thereof recorded in Cabinet C, Slide 304 of the Hunt County  
5 Plat Records;

6 THENCE North 00°03'37" West, along the east line of said Lot 19, a  
7 distance of 504.00 feet to a 5/8 inch iron rod set with yellow  
8 plastic cap stamped "COTTON SURVEYING" for the northeast corner of  
9 said Lot 19, said iron rod being North 83°34'30" East, a distance of  
10 55.79 feet from a 1/2 inch iron rod found;

11 THENCE North 89°18'29" West, along the north line of said Lot 19,  
12 passing the northwest corner of said Lot 19 and the northernmost  
13 northeast corner of Lot 20 of said Phase I, a distance of 1460.68  
14 feet to a 3/4 inch iron pipe found for the southeast corner of a  
15 called 80.37 acre tract of land as described in deed to Harry  
16 Epperson and Joan Epperson, Trustees as recorded in Volume 144,  
17 Page 646 of said Deed Records, said pipe also being North 89°53'43"  
18 East, a distance of 111.37 feet from a 5/8 inch iron rod found for  
19 the northwest corner of said Lot 20;

20 THENCE North 00°03'47" East, along the east line of said called  
21 80.37 acre tract, a distance of 2568.29 feet to a 1/2 inch iron rod  
22 found for the northeast corner of said called 80.37 acre tract and  
23 the southeast corner of a called 78.67 acre tract of land as  
24 described in deed to JRC/Quinlan Ranch LTD. (Exhibit A-2) as  
25 recorded in Volume 438, Page 363 of said Deed Records, said iron rod  
26 also being the southwest corner of a called 150 acre tract of land  
27 as described in deed to Lost Creek Outfitters, L.L.C. as recorded in

H.B. No. 812

Volume 697, Page 007 of said Deed Records;

THENCE South 89°53'53" West, along the north line of said called 80.37 acre tract, a distance of 1278.56 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "COTTON SURVEYING" in the approximate centerline of County Road 2400, and being in the west line of a called 20.00 acre tract of land as described in deed to Grant as recorded in Volume 120, Page 936 of said Deed Records, said iron rod also being North 00°04'26" East, a distance of 2568.36 feet from a 1 inch iron pipe found for the southwest corner of said called 80.37 acre tract;

THENCE along the approximate centerline of said County Road 2400 the following calls:

North 01°45'38" West, passing an ell corner of a called 46.631 acres tract of land as described in deed to Grant as recorded in Volume 1110, Page 696 of said Deed Records, the southwest corner of a called 12.0 acre tract of land as described in deed to Grant as recorded in Volume 912, Page 411 of said Deed Records, the Northeast corner of said called 12.0 acre tract, in all a total distance of 2364.71 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "COTTON SURVEYING";

North 18°21'42" East, a distance of 190.00 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "COTTON SURVEYING" in the south line of a remainder portion of a called 102.67 acre tract of land as described in deed to S.A. Hales as recorded in Volume 515, Page 597 of said Deed Records;

THENCE South 89°24'55" East, along the south line of said remainder tract, passing the southeast corner of said remainder tract and the

H.B. No. 812

1 southwest corner of a called 20 acre tract of land as described in  
2 deed to Hunt as recorded in Volume 775, Page 498 of said Deed  
3 records, in all a total distance of 896.43 feet to a 1/2 inch iron  
4 rod found for the southeast corner of said called 20 acre tract and  
5 the southwest corner of a called 6.253 acre tract of land as  
6 described in deed to Hunt as recorded in Volume 775, Page 501 of  
7 said Deed Records;

8 THENCE South 89°01'59" East, along the south line of said called  
9 6.253 acre tract, a distance of 132.22 feet to a 3/8 inch iron rod  
10 found for the southeast corner of said called 6.253 acre tract and  
11 the southwest corner of a called 8.13 acre tract of land as  
12 described in deed to Lawdermilk as recorded in Volume 732, Page 842  
13 of said Deed Records;

14 THENCE South 89°31'01" East, along the south line of said called  
15 8.13 acre tract, a distance of 172.49 feet to a 1/2 inch iron rod  
16 found for the southeast corner of said called 8.13 acre tract and  
17 the southwest corner of a called 8.13 acre tract of land as  
18 described in deed to Cleek as recorded in Volume 732, Page 848 of  
19 said Deed Records;

20 THENCE North 89°31'17" East, along the south line of said Cleek  
21 tract, a distance of 172.39 feet to a 5/8 inch iron rod set with  
22 yellow plastic cap stamped "COTTON SURVEYING" for the northeast  
23 corner of said called 78.67 acre tract and being South 89°31'17"  
24 West, a distance of 79.31 feet from a 1/2 inch iron rod found for the  
25 southeast corner of said Cleek tract, said iron rod set also being  
26 the northwest corner of aforesaid 150 acre tract;

27 THENCE North 87°56'10" East, along the south line of said called



H.B. No. 812

1 25.644 acre tract, a distance of 559.96 feet to a 5/8 inch iron rod  
2 set with yellow plastic cap stamped for the southeast corner of said  
3 called 25.644 acre tract;

4 THENCE along the east line of said called 25.644 acre tract the  
5 following calls:

6 North 00°53'33" East, a distance of 357.26 feet to a 5/8 inch  
7 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";

8 North 04°55'29" East, a distance of 221.30 feet to a 1/2 inch  
9 iron rod found;

10 North 23°05'27" West, a distance of 87.08 feet to a 1/2 inch  
11 iron rod found

12 North 41°44'02" West, a distance of 22.35 feet to a 1/2 inch  
13 iron rod found;

14 North 08°07'35" East, a distance of 283.65 feet to a 3/4 inch  
15 iron rod found for the northernmost northwest corner of said called  
16 150 acre tract and the southwest corner of lot 1 of Hyde park  
17 estates, an addition to Hunt County, Texas, according to the map or  
18 plat thereof recorded incabinet c, slide 206 of the plat records of  
19 Hunt County, Texas;

20 THENCE South 85°52'29" East, along the south line of lots 1,2,3, and  
21 4 of said Hyde Park estates, a distance of 748.10 feet to a 3/4 inch  
22 iron pipe found;

23 THENCE South 89°57'36" East, continuing along the south line of said  
24 lot 4, a distance of 13.59 feet to a 5/8 inch iron rod set with  
25 yellow plastic cap stamped "COTTON SURVEYING" for the northwest  
26 corner Nolan Estates as recorded in volume 686, page 64 and 67 of  
27 said deed records;

H.B. No. 812

1   THENCE South 00°41'58" West, along the west line of said Nolan  
2   Estates, passing a 3/8" iron rod found at a distance of 830.80 feet  
3   the southwest corner of said Nolan Estates and the northwest corner  
4   of a tract of land as described in deed to Donald Roden as recorded  
5   in volume 922, page 007 of said deed records, in all a total  
6   distance of 1356.03 feet to a 3/4 inch iron rod found for the  
7   southwest corner of said Roden tract;

8   THENCE North 89°55'02" East, along the south line of said Roden  
9   tract, passing a 1/2 inch iron rod found at a distance of 2650.20  
10   feet the occupied west line of county road 2316, in all a total  
11   distance of 2670.14 feet to a 5/8 inch iron rod set with yellow  
12   plastic cap stamped "COTTON SURVEYING" for the southeast corner of  
13   said Roden tract and being in the approximate centerline of said  
14   county road;

15   THENCE North 00°30'47" East, along the approximate centerline of  
16   said county road, a distance of 750.00 feet to a point;

17   THENCE North 11°41'35" East, along the approximate centerline of  
18   said county road, a distance of 401.26 feet to a point;

19   THENCE South 76°10'08" East, along the approximate centerline of  
20   said county road, a distance of 664.61 feet to a point;

21   THENCE North 20°54'45" East, along the approximate centerline of  
22   said county road, a distance of a distance of 1071.29 feet to a 5/8  
23   inch iron rod set with yellow plastic cap stamped "COTTON  
24   SURVEYING" for the southwest corner of a called 8.964 acre tract of  
25   land as described in deed to Sullivan as recorded in volume 545,  
26   page 398 of said deed records;

27   THENCE North 85°30'54" East, along the south line of said called

H.B. No. 812

1 8.964 acre tract, passing a 3/4 inch iron pipe found at a distance  
2 of 29.58 feet the occupied southeast line of said county road 2316,  
3 in all a total distance of 855.00 feet to a 3/4 inch iron pipe found  
4 for the southeast corner of said called 8.964 acre tract;

5 THENCE North 01°46'11" East, along the east line of said called  
6 8.964 acre tract, passing the northeast corner of said called 8.964  
7 acre tract and the southeast corner of the remainder portion of a  
8 called 14.33 acre tract of land as described in deed to Hart as  
9 recorded in Volume 232, Page 11 of said deed records, in all a total  
10 distance of 693.18 feet to a 5/8 inch iron rod set with yellow  
11 plastic cap stamped "COTTON SURVEYING" for the southwest corner of  
12 parcel 103, Texas Department of Transportation C.S.J. Number  
13 1017-03-022;

14 THENCE along the south line of said Texas Department of  
15 Transportation C.S.J. number 1017-03-022 tract and being the along  
16 south right-of-way line of State Highway 276 the following calls:

17 South 89°58'25" East a distance of 963.35 feet to a found  
18 Texas Department of Transportation monument;

19 South 70°41'00" East a distance of 105.95 feet to a found  
20 Texas Department of Transportation monument;

21 South 89°58'25" East a distance of 200.00 feet to a found  
22 Texas Department of Transportation monument;

23 North 70°44'07" East a distance of 75.68 feet to a found Texas  
24 Department of Transportation monument;

25 South 89°58'25" East a distance of 1178.57 feet to a 5/8 inch  
26 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";

27 South 78°39'51" East a distance of 50.99 feet to a 5/8 inch

1 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";

2 South 89°58'25" East a distance of 200.00 feet to a 5/8 inch

3 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";

4 North 78°42'58" East a distance of 50.99 feet to a 5/8 inch

5 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";

6 South 89°58'25" East a distance of 83.05 feet to the PLACE OF  
7 BEGINNING and containing 57,380,710.2 square feet or 1317.28 acres  
8 more or less and being subject to any and all easements that may  
9 affect.

10 SAVE & EXCEPT THE FOLLOWING TWO TRACTS:

11 SAVE & EXCEPT TRACT 1

12 Being a 10.671 acre tract of land situated in the W.L. Burton  
13 Survey, Abstract number 52, County of Hunt and being all of a called  
14 10.721 acre tract of land as described in deed to JRC/Quinlan Ranch  
15 LTD. as Tract 2 Save and Except (1) as recorded in Volume 438, Page  
16 356 of the Deed Records of Hunt County, Texas, said 10.671 acre  
17 tract being more particularly described as follows:

18 COMMENCING at a 3/8 inch iron rod found for the southernmost  
19 southwest corner of a called 1,592.369 acre tract of land as  
20 described in deed to JRC/Quinlan Ranch LTD. As recorded in Volume  
21 438, Page 356 of said Deed Records, the northwest corner of a called  
22 270.921 acre tract of land as described in deed to Young as recorded  
23 in Volume 692, Page 50 of said Deed Records and being in the east  
24 line of Lot 19 of Whispering Oaks Subdivision, Phase I, an addition  
25 to Hunt County, Texas, according to the map or plat thereof recorded  
26 in Cabinet C, Slide 304 of the Hunt County Plat Records, THENCE  
27 North 89°11'14" East, along the north line of said called 270.921

1 acre tract, a distance of 2656.70 feet;

2 THENCE over and across said called 1,592.369 acre tract the  
3 following calls:

4 North 00°48'46" West, a distance of 977.37 feet to a 5/8 inch  
5 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for  
6 the PLACE OF BEGINNING, same being the southeast corner of said  
7 called 10.721 acre tract;

8 South 89°17'34" West, along the south line of said called  
9 10.721 acre tract, a distance of 981.25 feet to a 5/8 inch iron rod  
10 found for the southwest corner of said called 10.721 acre tract;

11 North 03°33'56" East, along the west line of said called  
12 10.721 acre tract, a distance of 485.98 feet to a 5/8" iron rod  
13 found for the northwest corner of said called 10.721 acre tract;

14 North 89°34'24" East, along the north line of said called  
15 10.721 acre tract, passing a 5/8 inch iron rod found at a distance  
16 of 938.57 feet the occupied west line of County Road 2316, in all a  
17 total distance of 946.00 feet to a 5/8 inch iron rod set with yellow  
18 plastic cap stamped "COTTON SURVEYING" for the northeast corner of  
19 said called 10.721 acre tract;

20 South 00°35'40" East, along the approximate centerline of  
21 said County Road 2316 and the east line of said called 10.721 acre  
22 tract, a distance of 480.00 feet to the PLACE OF BEGINNING and  
23 containing 464,811 square feet, 10.671 acres more or less and being  
24 subject to any and all easements that may affect.

25 SAVE & EXCEPT TRACT 2

26 Being a 1.002 acre tract of land situated in the W.L. Burton Survey,  
27 Abstract number 52, County of Hunt and being all of a called 1.0

H.B. No. 812

1 acre tract of land as described in deed to JRC/Quinlan Ranch LTD. as  
2 Tract 2 Save and Except (2) as recorded in Volume 438, Page 356 of  
3 the Deed Records of Hunt County, Texas, said 1.0002 acre tract being  
4 more particularly described as follows:

5 COMMENCING at a 3/8 inch iron rod found for the southernmost  
6 southwest corner of a called 1,592.369 acre tract of land as  
7 described in deed to JRC/Quinlan Ranch LTD. As recorded in Volume  
8 438, Page 356 of said Deed Records, the northwest corner of a called  
9 270.921 acre tract of land as described in deed to Young as recorded  
10 in Volume 692, Page 50 of said Deed Records and being in the east  
11 line of Lot 19 of Whispering Oaks Subdivision, Phase I, an addition  
12 to Hunt County, Texas, according to the map or plat thereof recorded  
13 in Cabinet C, Slide 304 of the Hunt County Plat Records;

14 THENCE North 89°11'14" East, along the north line of said called  
15 270.921 acre tract, a distance of 2656.70 feet;

16 THENCE over and across said called 1,592.369 acre tract the  
17 following calls:

18 North 00°48'46" West, a distance of 977.37 feet to a 5/8 inch  
19 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for  
20 the southeast corner of A called 10.721 acre tract as described in  
21 deed to JRC/Quinlan Ranch LTD. As Tract 2 Save and Except (1) as  
22 recorded in Volume 438, Page 356 of said Deed Records;

23 North 00°35'40" West, along the east line of said called  
24 10.721 acre tract, a distance of 480.00 feet to a 5/8 inch iron rod  
25 set with yellow plastic cap stamped "COTTON SURVEYING" for the  
26 northeast corner of said called 10.721 acre tract;

27 North 03°01'02" West, a distance of 196.11 feet to a 5/8 inch

1 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for  
2 the PLACE OF BEGINNING, same being the southeast corner of said  
3 called 1.0 acre tract;

4 South 89°39'34" West, along the south line of said called 1.0  
5 acre tract, a distance of 291.13 feet to a 3/8 inch iron rod found  
6 for the southwest corner of said called 1.0 acre tract;

7 North 01°43'43" West, along the west line of said called 1.0  
8 acre tract, a distance of 150.00 feet to a found nail for the  
9 northwest corner of said called 1.0 acre tract;

10 North 89°39'34" East, along the north line of said called 1.0  
11 acre tract, a distance of 291.13 feet to a 1 inch pipe found for the  
12 northeast corner of said called 1.0 acre tract;

13 South 01°43'43" East, along the east line of said called 1.0  
14 acre tract, a distance of 150.00 feet to the PLACE OF BEGINNING and  
15 containing 43,656 square feet, 1.002 acres more or less and being  
16 subject to any and all easements that may affect.

17 Total area described equals 1,317.28 acres, less the save and  
18 except tract 1 containing an area of 10.671 acres and the save and  
19 except tract 2 containing an area of 1.002 acres, for a total  
20 district area of 1305.607 acres of land more or less.

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

1           (b) The governor, one of the required recipients, has  
2 submitted the notice and Act to the Texas Commission on  
3 Environmental Quality.

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

8           (d) All requirements of the constitution and laws of this  
9 state and the rules and procedures of the legislature with respect  
10 to the notice, introduction, and passage of this Act are fulfilled  
11 and accomplished.

12          SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2005.