

By: Flynn (Senate Sponsor - Deuell) H.B. No. 812  
(In the Senate - Received from the House May 10, 2005;  
May 12, 2005, read first time and referred to Committee on  
Intergovernmental Relations; May 20, 2005, reported favorably by  
the following vote: Yeas 4, Nays 0; May 20, 2005, sent to  
printer.)

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

(5) David Ian Rouble.

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

to fill all vacancies on the board.

(c) Temporary directors serve until the earlier of:

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

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

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

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

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

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

[Sections 8107.026-8107.050 reserved for expansion]

#### SUBCHAPTER B. BOARD OF DIRECTORS

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

(b) Directors serve staggered four-year terms.

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

[Sections 8107.053-8107.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

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

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

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

Sec. 8107.103. ROAD CONTRACTS. The district may contract 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 district.

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

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

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

[Sections 8107.107-8107.150 reserved for expansion]

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

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

Sec. 8107.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or 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 of the assessed value of the real property in the district.

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

[Sections 8107.202-8107.250 reserved for expansion]

#### SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 8107.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At any time before the district issues indebtedness secured by taxes or net revenues, the district, including any annexed territory, may

be divided into two or more new districts.

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

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

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

(2) a motion by the board.

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

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

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

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

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

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

(2) the proposition to be voted on.

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

(1) the district shall be divided; and

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

(A) the Texas Commission on Environmental Quality;

(B) the attorney general;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BEGINNING at a point in the north line of a called 1592.369 acre tract of land as described in deed to JRC/Quinlan Ranch, Ltd. as recorded in Volume 438, Page 356 of said Deed Records, and in the south right of way line of State Highway 276 (a variable width right-of-way), said point being the northeast corner of this tract; THENCE South 00°23'07" East, leaving north line of said JCR/Quinlan Ranch tract and south right of way line of said State Highway 276, a distance of 4968.81 feet to a point for corner in the north line of a called 72.5 acre tract of land as described in deed to Renshaw Revocable Living Trust as recorded in Volume 317, Page 807 of said Deed Records, from which a 3/4" found iron pipe bears North 89°36'53" West, a distance of 845.21 feet;

THENCE South 89°36'53" West, along the north line of said called 72.5 acre tract, a distance of 688.12 feet to a 3/4 inch iron pipe found for the northwest corner of said called 72.5 acre tract; THENCE South 00°23'07" East, along the west line of said called 72.5 acre tract, a distance of 2057.78 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for the southwest corner of said called 72.5 acre tract and being in the north line of a called 36.63 acre tract of land as described in deed to Szabo as recorded in Volume 194, Page 55 of said Deed Records, said iron rod also being in the approximate centerline of said County Road 2300 and having a 3/8 inch iron pipe which bears North 10°02'50" West, a distance of 21.03 feet;

THENCE South 89°20'30" West, along the north line of called 36.63 acre tract of land and the approximate centerline of said County Road 2300, a distance of 369.89 feet to a 1/2 inch iron rod found for the northwest corner of said called 36.63 acre tract and the northeast corner of a called 29.992 acre tract of land as described in deed to Clounts as recorded in Volume 194, Page 58 of said Deed Records;

THENCE South 89°36'46" West, along the north line of said called 29.992 acre tract, passing the northwest corner of said called 29.992 acre tract and the northeast corner of a called 11.927 acre tract of land as described in deed to Szabo as recorded in Volume 194, Page 53 of said Deed Records, in all a total distance of 2036.12 feet to a fence corner post found for the northwest corner of said called 11.927 acre tract;

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

THENCE North 89°45'20" West, along the north line of said called 12.627 acre tract and along the approximate centerline of said County Road 2300, passing the northwest corner of said called 12.627 acre tract and the northeast corner of a called 24.5 acre

6-1 tract of land as described in deed to Parks as recorded in Volume  
 6-2 957, Page 221 of said Deed Records, in all a total distance of  
 6-3 909.16 feet to a 5/8 inch iron rod set with yellow plastic cap  
 6-4 stamped "COTTON SURVEYING" for the northwest corner of said called  
 6-5 24.5 acre tract and the northeast corner of a called 6.4194 acre  
 6-6 tract of land as described in deed to Dewey as recorded in Volume  
 6-7 378, Page 315 of said Deed Records;  
 6-8 THENCE North 87°56'19" West, along the north line of said called  
 6-9 6.4194 acre tract, a distance of 615.35 feet to a 5/8 inch iron rod  
 6-10 set with yellow plastic cap stamped "COTTON SURVEYING" for the  
 6-11 northwest corner of said called 6.4194 acre tract and the northeast  
 6-12 corner of a called 270.921 acre tract of land as described in deed  
 6-13 to Young as recorded in Volume 692, Page 50 of said Deed Records;  
 6-14 THENCE South 89°11'14" West, along the north line of said called  
 6-15 270.921 acre tract, a distance of 2905.80 feet to a 3/8 inch iron  
 6-16 rod found for the northwest corner of said called 270.921 acre tract  
 6-17 and being in the east line of Lot 19 of Whispering Oaks Subdivision,  
 6-18 Phase I, an addition to Hunt County, Texas, according to the map or  
 6-19 plat thereof recorded in Cabinet C, Slide 304 of the Hunt County  
 6-20 Plat Records;  
 6-21 THENCE North 00°03'37" West, along the east line of said Lot 19, a  
 6-22 distance of 504.00 feet to a 5/8 inch iron rod set with yellow  
 6-23 plastic cap stamped "COTTON SURVEYING" for the northeast corner of  
 6-24 said Lot 19, said iron rod being North 83°34'30" East, a distance of  
 6-25 55.79 feet from a 1/2 inch iron rod found;  
 6-26 THENCE North 89°18'29" West, along the north line of said Lot 19,  
 6-27 passing the northwest corner of said Lot 19 and the northernmost  
 6-28 northeast corner of Lot 20 of said Phase I, a distance of 1460.68  
 6-29 feet to a 3/4 inch iron pipe found for the southeast corner of a  
 6-30 called 80.37 acre tract of land as described in deed to Harry  
 6-31 Epperson and Joan Epperson, Trustees as recorded in Volume 144,  
 6-32 Page 646 of said Deed Records, said pipe also being North 89°53'43"  
 6-33 East, a distance of 111.37 feet from a 5/8 inch iron rod found for  
 6-34 the northwest corner of said Lot 20;  
 6-35 THENCE North 00°03'47" East, along the east line of said called  
 6-36 80.37 acre tract, a distance of 2568.29 feet to a 1/2 inch iron rod  
 6-37 found for the northeast corner of said called 80.37 acre tract and  
 6-38 the southeast corner of a called 78.67 acre tract of land as  
 6-39 described in deed to JRC/Quinlan Ranch LTD. (Exhibit A-2) as  
 6-40 recorded in Volume 438, Page 363 of said Deed Records, said iron rod  
 6-41 also being the southwest corner of a called 150 acre tract of land  
 6-42 as described in deed to Lost Creek Outfitters, L.L.C. as recorded in  
 6-43 Volume 697, Page 007 of said Deed Records;  
 6-44 THENCE South 89°53'53" West, along the north line of said called  
 6-45 80.37 acre tract, a distance of 1278.56 feet to a 5/8 inch iron rod  
 6-46 set with yellow plastic cap stamped "COTTON SURVEYING" in the  
 6-47 approximate centerline of County Road 2400, and being in the west  
 6-48 line of a called 20.00 acre tract of land as described in deed to  
 6-49 Grant as recorded in Volume 120, Page 936 of said Deed Records, said  
 6-50 iron rod also being North 00°04'26" East, a distance of 2568.36 feet  
 6-51 from a 1 inch iron pipe found for the southwest corner of said  
 6-52 called 80.37 acre tract;  
 6-53 THENCE along the approximate centerline of said County Road 2400  
 6-54 the following calls:  
 6-55 North 01°45'38" West, passing an ell corner of a called 46.631  
 6-56 acres tract of land as described in deed to Grant as recorded in  
 6-57 Volume 1110, Page 696 of said Deed Records, the southwest corner of  
 6-58 a called 12.0 acre tract of land as described in deed to Grant as  
 6-59 recorded in Volume 912, Page 411 of said Deed Records, the Northeast  
 6-60 corner of said called 12.0 acre tract, in all a total distance of  
 6-61 2364.71 feet to a 5/8 inch iron rod set with yellow plastic cap  
 6-62 stamped "COTTON SURVEYING";  
 6-63 North 18°21'42" East, a distance of 190.00 feet to a 5/8 inch  
 6-64 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" in  
 6-65 the south line of a remainder portion of a called 102.67 acre tract  
 6-66 of land as described in deed to S.A. Hales as recorded in Volume  
 6-67 515, Page 597 of said Deed Records;  
 6-68 THENCE South 89°24'55" East, along the south line of said remainder  
 6-69 tract, passing the southeast corner of said remainder tract and the

7-1 southwest corner of a called 20 acre tract of land as described in  
 7-2 deed to Hunt as recorded in Volume 775, Page 498 of said Deed  
 7-3 records, in all a total distance of 896.43 feet to a 1/2 inch iron  
 7-4 rod found for the southeast corner of said called 20 acre tract and  
 7-5 the southwest corner of a called 6.253 acre tract of land as  
 7-6 described in deed to Hunt as recorded in Volume 775, Page 501 of  
 7-7 said Deed Records;  
 7-8 THENCE South 89°01'59" East, along the south line of said called  
 7-9 6.253 acre tract, a distance of 132.22 feet to a 3/8 inch iron rod  
 7-10 found for the southeast corner of said called 6.253 acre tract and  
 7-11 the southwest corner of a called 8.13 acre tract of land as  
 7-12 described in deed to Lawdermilk as recorded in Volume 732, Page 842  
 7-13 of said Deed Records;  
 7-14 THENCE South 89°31'01" East, along the south line of said called  
 7-15 8.13 acre tract, a distance of 172.49 feet to a 1/2 inch iron rod  
 7-16 found for the southeast corner of said called 8.13 acre tract and  
 7-17 the southwest corner of a called 8.13 acre tract of land as  
 7-18 described in deed to Cleek as recorded in Volume 732, Page 848 of  
 7-19 said Deed Records;  
 7-20 THENCE North 89°31'17" East, along the south line of said Cleek  
 7-21 tract, a distance of 172.39 feet to a 5/8 inch iron rod set with  
 7-22 yellow plastic cap stamped "COTTON SURVEYING" for the northeast  
 7-23 corner of said called 78.67 acre tract and being South 89°31'17"  
 7-24 West, a distance of 79.31 feet from a 1/2 inch iron rod found for the  
 7-25 southeast corner of said Cleek tract, said iron rod set also being  
 7-26 the northwest corner of aforesaid 150 acre tract;  
 7-27 THENCE North 87°56'10" East, along the south line of said called  
 7-28 25.644 acre tract, a distance of 559.96 feet to a 5/8 inch iron rod  
 7-29 set with yellow plastic cap stamped for the southeast corner of said  
 7-30 called 25.644 acre tract;  
 7-31 THENCE along the east line of said called 25.644 acre tract the  
 7-32 following calls:  
 7-33 North 00°53'33" East, a distance of 357.26 feet to a 5/8 inch  
 7-34 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";  
 7-35 North 04°55'29" East, a distance of 221.30 feet to a 1/2 inch  
 7-36 iron rod found;  
 7-37 North 23°05'27" West, a distance of 87.08 feet to a 1/2 inch  
 7-38 iron rod found  
 7-39 North 41°44'02" West, a distance of 22.35 feet to a 1/2 inch  
 7-40 iron rod found;  
 7-41 North 08°07'35" East, a distance of 283.65 feet to a 3/4 inch  
 7-42 iron rod found for the northernmost northwest corner of said called  
 7-43 150 acre tract and the southwest corner of lot 1 of Hyde park  
 7-44 estates, an addition to Hunt County, Texas, according to the map or  
 7-45 plat thereof recorded in cabinet c, slide 206 of the plat records of  
 7-46 Hunt County, Texas;  
 7-47 THENCE South 85°52'29" East, along the south line of lots 1,2,3, and  
 7-48 4 of said Hyde Park estates, a distance of 748.10 feet to a 3/4 inch  
 7-49 iron pipe found;  
 7-50 THENCE South 89°57'36" East, continuing along the south line of said  
 7-51 lot 4, a distance of 13.59 feet to a 5/8 inch iron rod set with  
 7-52 yellow plastic cap stamped "COTTON SURVEYING" for the northwest  
 7-53 corner Nolan Estates as recorded in volume 686, page 64 and 67 of  
 7-54 said deed records;  
 7-55 THENCE South 00°41'58" West, along the west line of said Nolan  
 7-56 Estates, passing a 3/8" iron rod found at a distance of 830.80 feet  
 7-57 the southwest corner of said Nolan Estates and the northwest corner  
 7-58 of a tract of land as described in deed to Donald Roden as recorded  
 7-59 in volume 922, page 007 of said deed records, in all a total  
 7-60 distance of 1356.03 feet to a 3/4 inch iron rod found for the  
 7-61 southwest corner of said Roden tract;  
 7-62 THENCE North 89°55'02" East, along the south line of said Roden  
 7-63 tract, passing a 1/2 inch iron rod found at a distance of 2650.20  
 7-64 feet the occupied west line of county road 2316, in all a total  
 7-65 distance of 2670.14 feet to a 5/8 inch iron rod set with yellow  
 7-66 plastic cap stamped "COTTON SURVEYING" for the southeast corner of  
 7-67 said Roden tract and being in the approximate centerline of said  
 7-68 county road;  
 7-69 THENCE North 00°30'47" East, along the approximate centerline of

8-1 said county road, a distance of 750.00 feet to a point;  
 8-2 THENCE North 11°41'35" East, along the approximate centerline of  
 8-3 said county road, a distance of 401.26 feet to a point;  
 8-4 THENCE South 76°10'08" East, along the approximate centerline of  
 8-5 said county road, a distance of 664.61 feet to a point;  
 8-6 THENCE North 20°54'45" East, along the approximate centerline of  
 8-7 said county road, a distance of a distance of 1071.29 feet to a 5/8  
 8-8 inch iron rod set with yellow plastic cap stamped "COTTON  
 8-9 SURVEYING" for the southwest corner of a called 8.964 acre tract of  
 8-10 land as described in deed to Sullivan as recorded in volume 545,  
 8-11 page 398 of said deed records;  
 8-12 THENCE North 85°30'54" East, along the south line of said called  
 8-13 8.964 acre tract, passing a 3/4 inch iron pipe found at a distance  
 8-14 of 29.58 feet the occupied southeast line of said county road 2316,  
 8-15 in all a total distance of 855.00 feet to a 3/4 inch iron pipe found  
 8-16 for the southeast corner of said called 8.964 acre tract;  
 8-17 THENCE North 01°46'11" East, along the east line of said called  
 8-18 8.964 acre tract, passing the northeast corner of said called 8.964  
 8-19 acre tract and the southeast corner of the remainder portion of a  
 8-20 called 14.33 acre tract of land as described in deed to Hart as  
 8-21 recorded in Volume 232, Page 11 of said deed records, in all a total  
 8-22 distance of 693.18 feet to a 5/8 inch iron rod set with yellow  
 8-23 plastic cap stamped "COTTON SURVEYING" for the southwest corner of  
 8-24 parcel 103, Texas Department of Transportation C.S.J. Number  
 8-25 1017-03-022;  
 8-26 THENCE along the south line of said Texas Department of  
 8-27 Transportation C.S.J. number 1017-03-022 tract and being the along  
 8-28 south right-of-way line of State Highway 276 the following calls:  
 8-29 South 89°58'25" East a distance of 963.35 feet to a found  
 8-30 Texas Department of Transportation monument;  
 8-31 South 70°41'00" East a distance of 105.95 feet to a found  
 8-32 Texas Department of Transportation monument;  
 8-33 South 89°58'25" East a distance of 200.00 feet to a found  
 8-34 Texas Department of Transportation monument;  
 8-35 North 70°44'07" East a distance of 75.68 feet to a found Texas  
 8-36 Department of Transportation monument;  
 8-37 South 89°58'25" East a distance of 1178.57 feet to a 5/8 inch  
 8-38 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";  
 8-39 South 78°39'51" East a distance of 50.99 feet to a 5/8 inch  
 8-40 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";  
 8-41 South 89°58'25" East a distance of 200.00 feet to a 5/8 inch  
 8-42 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";  
 8-43 North 78°42'58" East a distance of 50.99 feet to a 5/8 inch  
 8-44 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";  
 8-45 South 89°58'25" East a distance of 83.05 feet to the PLACE OF  
 8-46 BEGINNING and containing 57,380,710.2 square feet or 1317.28 acres  
 8-47 more or less and being subject to any and all easements that may  
 8-48 affect.  
 8-49 SAVE & EXCEPT THE FOLLOWING TWO TRACTS:  
 8-50 SAVE & EXCEPT TRACT 1  
 8-51 Being a 10.671 acre tract of land situated in the W.L. Burton  
 8-52 Survey, Abstract number 52, County of Hunt and being all of a called  
 8-53 10.721 acre tract of land as described in deed to JRC/Quinlan Ranch  
 8-54 LTD. as Tract 2 Save and Except (1) as recorded in Volume 438, Page  
 8-55 356 of the Deed Records of Hunt County, Texas, said 10.671 acre  
 8-56 tract being more particularly described as follows:  
 8-57 COMMENCING at a 3/8 inch iron rod found for the southernmost  
 8-58 southwest corner of a called 1,592.369 acre tract of land as  
 8-59 described in deed to JRC/Quinlan Ranch LTD. As recorded in Volume  
 8-60 438, Page 356 of said Deed Records, the northwest corner of a called  
 8-61 270.921 acre tract of land as described in deed to Young as recorded  
 8-62 in Volume 692, Page 50 of said Deed Records and being in the east  
 8-63 line of Lot 19 of Whispering Oaks Subdivision, Phase I, an addition  
 8-64 to Hunt County, Texas, according to the map or plat thereof recorded  
 8-65 in Cabinet C, Slide 304 of the Hunt County Plat Records, THENCE  
 8-66 North 89°11'14" East, along the north line of said called 270.921  
 8-67 acre tract, a distance of 2656.70 feet;  
 8-68 THENCE over and across said called 1,592.369 acre tract the  
 8-69 following calls:

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

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

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

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

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

SAVE & EXCEPT TRACT 2

Being a 1.002 acre tract of land situated in the W.L. Burton Survey, Abstract number 52, County of Hunt and being all of a called 1.0 acre tract of land as described in deed to JRC/Quinlan Ranch LTD. as Tract 2 Save and Except (2) as recorded in Volume 438, Page 356 of the Deed Records of Hunt County, Texas, said 1.0002 acre tract being more particularly described as follows:

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

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

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

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

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

North 03°01'02" West, a distance of 196.11 feet to a 5/8 inch iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for the PLACE OF BEGINNING, same being the southeast corner of said called 1.0 acre tract;

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

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

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

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

Total area described equals 1,317.28 acres, less the save and except tract 1 containing an area of 10.671 acres and the save and

except tract 2 containing an area of 1.002 acres, for a total district area of 1305.607 acres of land more or less.

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

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

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

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

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

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