

1 AN ACT

2 relating to the creation of the Denton County Municipal Utility
3 District No. 6; providing authority to impose a tax and issue bonds;
4 granting the power of eminent domain.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8126 to read as follows:

8 CHAPTER 8126. DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8126.001. DEFINITIONS. In this chapter:

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

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

14 (3) "District" means the Denton County Municipal
15 Utility District No. 6.

16 Sec. 8126.002. NATURE OF DISTRICT. The district is a
17 municipal utility district in Denton County created under and
18 essential to accomplish the purposes of Section 52, Article III,
19 and Section 59, Article XVI, Texas Constitution. The district is
20 created to serve a public use and benefit.

21 Sec. 8126.003. CONFIRMATION ELECTION REQUIRED. If the
22 creation of the district is not confirmed at a confirmation
23 election held under Section 8126.023 before September 1, 2007:

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

1 except that:

2 (A) any debts incurred shall be paid;

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

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

8 (2) this chapter expires September 1, 2010.

9 Sec. 8126.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

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

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

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

19 (3) the validity of the district's bonds, notes, or
20 indebtedness; or

21 (4) the legality or operation of the district or the
22 board.

23 Sec. 8126.005. APPLICABILITY OF OTHER LAW. Except as
24 otherwise provided by this chapter, Chapters 49, 53, and 54, Water
25 Code, apply to the district.

26 [Sections 8126.006-8126.020 reserved for expansion]

1 SUBCHAPTER A1. TEMPORARY PROVISIONS

2 Sec. 8126.021. TEMPORARY DIRECTORS. (a) On or after
3 September 1, 2005, a person who owns land inside the boundaries of
4 the district may petition the Texas Commission on Environmental
5 Quality to appoint as temporary directors the five persons listed
6 in the petition.

7 (b) The commission shall appoint as temporary directors the
8 persons listed in a petition received by the commission under
9 Subsection (a). If the commission receives more than one petition,
10 the commission shall appoint the directors listed in the first
11 petition the commission receives.

12 (c) If a temporary director fails to qualify for office, the
13 commission shall appoint a person to fill the vacancy.

14 (d) Temporary directors serve until the earlier of:

15 (1) the date directors are elected under Section
16 8126.023; or

17 (2) the date this chapter expires under Section
18 8126.003.

19 Sec. 8126.022. ORGANIZATIONAL MEETING OF TEMPORARY
20 DIRECTORS. As soon as practicable after all the temporary
21 directors have qualified under Section 49.055, Water Code, the
22 temporary directors shall meet at a location in the district
23 agreeable to a majority of the directors. If a location cannot be
24 agreed upon, the meeting shall be at the Denton County Courthouse.
25 At the meeting, the temporary directors shall elect officers from
26 among the temporary directors and conduct any other district
27 business.

1 Sec. 8126.023. CONFIRMATION AND INITIAL DIRECTORS'
2 ELECTION. The temporary directors shall hold an election to
3 confirm the creation of the district and to elect five directors as
4 provided by Section 49.102, Water Code.

5 Sec. 8126.024. INITIAL ELECTED DIRECTORS; TERMS. The
6 directors elected under Section 8126.023 shall draw lots to
7 determine which two shall serve until the first regularly scheduled
8 election of directors under Section 8126.052 and which three shall
9 serve until the second regularly scheduled election of directors.

10 Sec. 8126.025. EXPIRATION OF SUBCHAPTER. This subchapter
11 expires September 1, 2010.

12 [Sections 8126.026-8126.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8126.051. DIRECTORS; TERMS. (a) The district is
15 governed by a board of five directors.

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

17 Sec. 8126.052. ELECTION OF DIRECTORS. On the uniform
18 election date in May of each even-numbered year, the appropriate
19 number of directors shall be elected.

20 [Sections 8126.053-8126.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8126.101. MUNICIPAL UTILITY DISTRICT AND FRESH WATER
23 SUPPLY DISTRICT POWERS AND DUTIES. (a) Except as provided by
24 Subsections (b) and (c), the district has the powers and duties
25 provided by the general law of this state, including Chapters 49,
26 53, and 54, Water Code, applicable to municipal utility districts
27 and fresh water supply districts created under Section 52, Article

1 III, and Section 59, Article XVI, Texas Constitution.

2 (b) Sections 53.029(b), 53.030-53.034, and 53.040-53.043,
3 Water Code, do not apply to the district.

4 (c) If a provision of Chapter 53, Water Code, is in conflict
5 or inconsistent with this chapter or Chapter 54, Water Code, this
6 chapter and Chapter 54, Water Code, prevail.

7 Sec. 8126.102. ROAD PROJECTS. (a) The district may
8 construct, acquire, improve, maintain, or operate macadamized,
9 graveled, or paved roads or turnpikes, or improvements in aid of
10 those roads or turnpikes, inside or outside the district.

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

14 Sec. 8126.103. ROAD CONTRACTS. The district may contract
15 for a road project in the same manner as provided by Subchapter I,
16 Chapter 49, Water Code.

17 Sec. 8126.104. CERTIFICATE OF CONVENIENCE AND NECESSITY.
18 (a) The district may pay out of bond proceeds or other available
19 district money all expenses, including legal, engineering, and
20 other fees, related to obtaining a new certificate of convenience
21 and necessity under Chapter 13, Water Code, authorizing the
22 district to provide retail water or sewer service inside or outside
23 the district.

24 (b) The district may pay out of bond proceeds or other
25 available district money all expenses, including the purchase
26 price, related to acquiring certificate of convenience and
27 necessity rights from another retail public utility to allow the

1 district to provide retail water or sewer service in the district.

2 Sec. 8126.105. CONTRACT WITH POLITICAL SUBDIVISION FOR
3 WATER OR SEWER SERVICES. (a) The district may enter into a
4 contract to allow a political subdivision to provide retail water
5 or sewer service in the district. The contract may contain terms
6 the board considers desirable, fair, and advantageous to the
7 district.

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

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

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

20 Sec. 8126.106. COMPLIANCE WITH MUNICIPAL CONSENT
21 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
22 54.016, Water Code, the district shall comply with all applicable
23 requirements of any ordinance or resolution adopted by the city
24 council of the City of Aubrey, including an ordinance or resolution
25 adopted before September 1, 2005, that consents to the creation of
26 the district or to the inclusion of lands within the district.

27 [Sections 8126.107-8126.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8126.151. 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 8126.102.

Sec. 8126.152. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds issued under Section 8126.201.

Sec. 8126.153. TAX FOR CONTRACTUAL OBLIGATIONS. The district may impose a tax to pay for the district's contractual obligations under Section 8126.103.

Sec. 8126.154. 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

1 telecommunications services.

2 [Sections 8126.155-8126.200 reserved for expansion]

3 SUBCHAPTER E. BONDS

4 Sec. 8126.201. AUTHORITY TO ISSUE BONDS AND OTHER
5 OBLIGATIONS. (a) The district may issue bonds or other obligations
6 as provided by Chapters 49 and 54, Water Code, to finance the
7 construction, maintenance, or operation of projects under Sections
8 8126.101 and 8126.102.

9 (b) The district may not issue bonds to finance projects
10 under Section 8126.102 unless the issuance is approved by a vote of
11 a two-thirds majority of the voters of the district voting at an
12 election called for that purpose.

13 (c) Bonds or other obligations issued or incurred to finance
14 projects authorized by Section 8126.102 may not exceed one-fourth
15 of the assessed value of the real property in the district.

16 (d) Sections 49.181, 49.182, and 50.107, Water Code, do not
17 apply to a project undertaken by the district under Section
18 8126.102 or to bonds issued by the district to finance the project.

19 SECTION 2. The Denton County Municipal Utility District No.
20 6 initially includes all the territory contained in the following
21 area:

22 BEING a tract of land situated in the W. Lumpkin Survey,
23 Abstract No. 730 and the F. Pollard Survey, Abstract No. 995 Denton
24 County, Texas, the subject tract consisting of the following
25 fourteen (14) tracts of land; that called 444.091 acre tract
26 conveyed to M.W. Carr, Trustee, according to the Special Warranty
27 Deed recorded in Volume 2861, Page 751 of the Land Records of Denton

1 County, Texas (LRDCT), those tracts conveyed to Manson Harris,
2 Trustee as follows; the six(6) tracts identified as Tracts One,
3 Two, Six, Nine, Ten and Eleven according to the deed recorded in
4 Volume 410, Page 361 (LRDCT); the two(2) tracts identified as Tract
5 No. One and Tract No. Two according to the deed recorded in Volume
6 419, Page 357 (LRDCT), those two(2) tracts identified as First
7 tract and Second tract according to the Warranty Deed recorded in
8 Volume 409, Page 370 (LRDCT), a portion of that tract conveyed by
9 the warranty deed recorded in Volume 419, page 463 (LRDCT); that
10 tract conveyed to James Allison Cosby, Trustee, according to the
11 General Warranty Deed recorded in Volume 665, Page 237 (LRDCT);
12 that tract conveyed to W. Place Carr, III according to the Warranty
13 Deed recorded in Volume 5304, Page 0629; and that tract conveyed to
14 William Plack Carr, Jr. according to the General Warranty Deed
15 recorded in Volume 871, Page 381 (LRDCT), the total subject tract
16 being more particularly described as follows;

17 BEGINNING at a point on the East line of FM 2931 and at the
18 northwest corner of a tract of land owned by said Manson Harris,
19 Trustee according to the deed recorded in Volume 419, Page 463
20 (LRDCT), said beginning point further being located on the north
21 line of said W. Lumpkin Survey Abstract No. 730 and approximately
22 476.4 feet Easterly from the northwest corner of said W. Lumpkin
23 Survey, a 1/2" iron pin with a cap stamped Tipton Engineering, Inc.
24 set at corner, from which a wood right-of-way monument bears N 23°
25 12 18" W, a distance of 163.82 feet;

26 THENCE, along the easterly line of said FM 2931 according to
27 the deed recorded in Volume 573, Page 561 the following;

1 Around a curve to the left having a central angle of 14°
2 30' 13", a radius of 1,195.92 feet, and a chord of N 09° 58'
3 05" E - 301.92 feet, an arc distance of 302.73 feet to a 1/2"
4 iron pin with a red cap stamped Tipton Eng. Inc. set at
5 corner;

6 N 02° 42' 59" E, a distance of 1,456.00 feet to a 1/2"
7 iron pin with a red cap stamped Tipton Eng. Inc. set at
8 corner;

9 N 08° 25' 37" E, a distance of 100.50 feet to a wood
10 highway monument found at corner;

11 N 02° 42' 59" E, a distance of 300.00 feet to a wood
12 highway monument found at corner;

13 N 02° 59' 39" W, a distance of 100.50 feet to a 1/2" iron
14 pin with a red cap stamped Tipton Eng. Inc. set at corner;

15 N 02° 42' 59" E, a distance of 68.85 feet to the
16 northwest corner of that tract identified as Tract 2 of said
17 Manson Harris, Trustee deed (Volume 410, Page 361) a nail in a
18 wood right-of-way monument found at corner;

19 THENCE, S 86° 30' 22" E, along the south line of a tract of
20 land conveyed to R.W. Noble, ET UX according to the deed recorded in
21 Volume 1726, Page 881 (LRDCT), and the north line of said Manson
22 Harris Trustee Tract 2 (Volume 410, Page 361), distance of 3,068.71
23 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set
24 at corner in the centerline of a creek identified as Hawling Branch;

25 THENCE, in a southerly direction along the centerline
26 meanders of said Hawling Branch and a common line with a tract of
27 land conveyed to James Williams according to the deed recorded in

1 Volume 577, Page 328 (LRDCT), the following;

2 S 00° 54' 06" W, a distance of 24.28 feet;

3 S 28° 00' 45" W, a distance of 40.68 feet;

4 S 30° 49' 09" E, a distance of 39.42 feet;

5 S 18° 53' 27" E, a distance of 58.73 feet;

6 S 75° 33' 59" E, a distance of 33.71 feet;

7 S 21° 51' 14" E, a distance of 20.06 feet to a point in
8 the approximate centerline of Pecan Creek;

9 THENCE, continuing along the centerline meanders of Pecan
10 Creek and in an Easterly direction along a common property line
11 between the James Williams tract and a tract of land identified as
12 Tract 2 and conveyed to Manson Harris, Trustee according to the deed
13 recorded in Volume 409, Page 370 (LRDCT) the following;

14 S 67° 19' 05" E, a distance of 26.06 feet;

15 N 43° 07' 31" E, a distance of 53.45 feet;

16 N 61° 07' 26" E, a distance of 45.20 feet;

17 N 69° 27' 32" E, a distance of 44.65 feet;

18 N 79° 13' 17" E, a distance of 47.64 feet;

19 N 80° 21' 32" E, a distance of 119.04 feet;

20 S 81° 36' 44" E, a distance of 50.18 feet;

21 N 86° 12' 28" E, a distance of 116.29 feet;

22 S 67° 59' 39" E, a distance of 72.39 feet;

23 N 78° 01' 35" E, a distance of 60.84 feet;

24 N 69° 59' 16" E, a distance of 79.88 feet;

25 N 43° 16' 20" E, a distance of 30.34 feet to a point on
26 the previously mentioned W. Lumpkin Survey--Abstract No. 730
27 north line;

1 THENCE, S 86° 30' 02" E, along the north line of said W.
2 Lumpkin Survey--Abstract No. 730, the north line of said Manson
3 Harris, Trustee Tract 2 (Volume 409, Page 370) and the south line of
4 a tract of land conveyed to Tom L. Decker according to the deed
5 recorded in Volume 959, Page 71 (LRDCT), a distance of 1,096.88 feet
6 to the northeast corner of said Manson Harris, Trustee Tract 2, a PK
7 nail found in asphalt at corner near the centerlines intersection
8 of Coffey Road (a Public ROW) and Bonar Road (a Public ROW);

9 THENCE, S 86° 03' 33" E, along the approximate centerline of
10 said Bonar Road and continuing along said W. Lumpkin
11 Survey--Abstract No. 730 north line and the south line of the Tom L.
12 Decker Tract and along the north line of a tract of land conveyed to
13 Manson Harris, Trustee and identified as Tract 6 in the deed
14 recorded in Volume 410, Page 361, a distance of 2,243.77 feet to a
15 point being the southeast corner of a said Tom L. Decker tract, the
16 southwest corner of a tract of land conveyed to Tom W. Mitchum
17 according to the deed recorded in County Clerk File Number
18 93-0032522 (LRDCT), a 60-d nail found in asphalt at corner;

19 THENCE, S 83° 02' 32" E, along the common line between said
20 Manson Harris, Trustee Tract 6 and said Tom W. Mitchum and
21 proceeding along the centerline of said Bonar Road, a distance of
22 165.23 feet to a 60-d nail found at corner;

23 THENCE, S 74° 58' 57" E, continuing along the said Manson
24 Harris Trustee Tract 6 north line the centerline of Bonar Road a
25 distance of 60.76 feet to a 60d nail found in asphalt near the
26 centerline of Pure Country Road at corner;

27 THENCE, continuing along the northeasterly line of said

1 Manson Harris Trustee, Tract No. 6 and along an old abandoned ROW of
2 Bonar Road, the following;

3 S 50° 12' 20" E, a distance of 78.74 feet;
4 S 47° 45' 47" E, a distance of 117.54 feet;
5 S 46° 00' 20" E, a distance of 148.71 feet;
6 S 34° 45' 33" E, a distance of 117.90 feet;
7 S 01° 21' 31" E, a distance of 101.33 feet;
8 S 25° 33' 40" W, a distance of 182.31 feet;
9 S 08° 22' 54" W, a distance of 96.08 feet;
10 S 24° 54' 57" E, a distance of 78.35 feet;
11 S 31° 53' 17" E, a distance of 151.31 feet;
12 S 12° 04' 56" E, a distance of 137.65 feet;
13 S 21° 26' 35" E, a distance of 245.92 feet to a point in
14 the centerline of Little Elm Creek and most westerly
15 northwesterly corner of a tract of land conveyed to M.W.
16 Carr, Trustee according to the deed recorded in Volume 2861,
17 Page 751 (LRDCT);

18 THENCE, up the meanders of the centerline of Little Elm
19 Creek, the following;

20 S 60° 49' 46" E, a distance of 141.43 feet;
21 N 68° 40' 14" E, a distance of 204.70 feet;
22 N 24° 36' 46" W, a distance of 232.40 feet;
23 N 54° 26' 14" E, a distance of 187.00 feet;
24 S 64° 02' 46" E, a distance of 423.10 feet;
25 N 49° 18' 15" E, a distance of 159.80 feet;
26 N 15° 47' 14" E, a distance of 449.20 feet;
27 N 42° 07' 46" W, a distance of 436.60 feet;

1 N 30° 06' 14" E, a distance of 437.00 feet;
2 N 57° 08' 14" E, a distance of 180.10 feet;
3 N 79° 38' 14" E, a distance of 443.80 feet;
4 N 62° 51' 44" E, a distance of 503.70 feet;
5 N 80° 33' 20" E, a distance of 494.03 feet;
6 N 21° 34' 46" W, a distance of 230.70 feet;
7 N 34° 21' 46" W, a distance of 153.50 feet;
8 N 20° 53' 14" E, a distance of 171.30 feet;
9 S 82° 31' 46" E, a distance of 239.90 feet;
10 N 87° 11' 14" E, along or near an old fence, a distance of
11 84.70 feet;
12 THENCE, N 80° 06' 14" E, along or near a fence a distance of
13 361.10 feet;
14 THENCE, S 87° 30' 46" E, a distance of 1,094.70 feet;
15 THENCE, N 32° 07' 46" W, a distance of 240.90 feet;
16 THENCE, N 12° 06' 46" W, a distance of 161.25 feet;
17 THENCE, N 05° 32' 14" E, a distance of 308.30 feet;
18 THENCE, N 25° 37' 46" W, a distance of 306.70 feet;
19 THENCE, N 46° 28' 14" E, a distance of 49.30 feet;
20 THENCE, S 87° 15' 46" E, a distance of 420.85 feet;
21 THENCE, N 89° 32' 14" E, continuing along the property line
22 between said J.T. Pickens tract and the subject tract and along or
23 near a fence, a distance of 546.80 feet to a corner near a creek;
24 THENCE, N 07° 32' 14" E, a distance of 301.10 feet to a point
25 near a creek;
26 THENCE, N 63° 17' 14" E, a distance of 120.20 feet to a point
27 in Little Elm Creek;

1 THENCE, continuing along the previously mentioned common
2 property line and up the centerline meanders of said Little Elm
3 Creek, the following;

4 N 19° 20' 14" E, a distance of 285.40 feet;

5 N 37° 13' 14" E, a distance of 202.00 feet;

6 N 68° 34' 14" E, a distance of 108.90 feet;

7 N 58° 26' 14" E, a distance of 323.90 feet;

8 S 63° 01' 46" E, a distance of 161.60 feet;

9 N 68° 03' 14" E, a distance of 73.30 feet;

10 S 38° 19' 46" E, a distance of 137.20 feet;

11 S 09° 33' 46" E, a distance of 370.10 feet to a point on
12 the west line of Farm-to-Market Road No. 1385, a 1/2" iron pin
13 with a red cap stamped Tipton Eng. Inc. set at corner;

14 THENCE, southerly along the said Farm-to-Market Road No. 1385
15 westerly line, the following;

16 S 00° 34' 58" E, a distance of 290.34 feet to a 1/2" iron
17 pin with a red cap stamped Tipton Eng. Inc. set at corner;

18 S 05° 41' 17" E, a distance of 101.12 feet to a 1/2" iron
19 pin with a red cap stamped Tipton Eng. Inc. set at corner;

20 S 02° 50' 34" W, a distance of 928.40 feet to a 1/2" iron
21 pin with a red cap stamped Tipton Eng. Inc. set at corner;

22 S 03° 32' 34" W, a distance of 2,157.30 feet to a 1/2"
23 iron pin with a red cap stamped Tipton Eng. Inc. set at
24 corner;

25 Around a tangent curve to the right having a central
26 angle of 02° 02' 00", a radius of 11,485.37 feet, and a chord
27 of S 02° 31' 34" W--407.58 feet, an arc distance of 407.60 feet

1 to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set
2 at corner;

3 S 01° 27' 30" W, a distance of 1,155.87 feet to a point
4 near the centerline of Old Bonar Road (abandoned), a 1/2"
5 iron pin found at corner, from which a 1/2" iron pin found on
6 the east side of Farm-to-Market Road bears S 72° 30' 32" E, a
7 distance of 95.08 feet;

8 THENCE, continuing along the said Farm-to-Market Road No.
9 1385 westerly line, the following;

10 S 01° 47' 07" W, a distance of 212.68 feet to a 1/2" iron
11 pin with a red cap stamped Tipton Eng. Inc. set at corner;

12 S 02° 39' 34" W, a distance of 608.40 feet to a 1/2" iron
13 pin with a red cap stamped Tipton Eng. Inc. set at corner;

14 S 87° 20' 26" E, a distance of 5.00 feet to a 1/2" iron
15 pin with a red cap stamped Tipton Eng. Inc. set at corner,
16 from which a 5/8" iron pin with a yellow cap stamped "Cotton"
17 Surveying bears S 51°29'37" W, a distance of 2.38 feet;

18 S 02° 39' 34" W, a distance of 441.10 feet to a 1/2" iron
19 pin with a red cap stamped Tipton Eng. Inc. set at corner;

20 S 02° 17' 34" W, passing 0.91 easterly of a 1/2" iron pin
21 found at a distance of 1,293.22 feet and continuing to make a
22 total distance of 2,658.50 feet to a 1/2" iron pin with a red
23 cap stamped Tipton Eng. Inc. set at corner;

24 THENCE, around a non-tangent curve to the left having a
25 central angle of 40° 57' 16", a radius of 2660.00 feet and a chord of
26 S 71° 01' 03" W--1861.12 feet, an arc distance of 1901.34 feet to a
27 point on the south line of that called 160.3 acre tract conveyed to

1 W. Plack Carr, III according to the Warranty Deed recorded in Volume
2 5304, Page 629 (LRDCT) and the north line of a tract of land
3 conveyed to C.M. Jackson according to the Warranty Deed recorded in
4 Volume 546, Page 12 (LRDCT;

5 THENCE, N 87° 42' 59" W, along the said W. Plack Carr, III
6 160.3 acre tract south line and the C.M. Jackson tract north line, a
7 distance of 1,551.80 feet to a 1/2" iron pin found at corner;

8 THENCE, N 87° 46' 34" W, continuing along said W. Plack Carr,
9 III 160.3 acre tract part of the way and along the south line of a
10 tract of land conveyed to Manson Harris, Trustee and identified as
11 Tract 9 by the deed recorded in Volume 410, Page 361 (LRDCT), and
12 the north line of the previously mentioned Denton County 250, L.P.
13 tract, a distance of 2,105.22 feet to a 1/2" iron pin with a red cap
14 stamped Tipton Eng. Inc. set at corner;

15 THENCE, N 87° 13' 26" W, continuing along said Manson Harris,
16 Trustee Tract 9 south line and the north line of the previously
17 mentioned Denton County 250, L.P. tract, a distance of 401.38 feet
18 to a point in the center line of Dry Fork Branch;

19 THENCE, continuing along a common line between said Manson
20 Harris, Trustee Tract 9 and Denton County 250, L.P. tract and the
21 meanders of the centerline of Dry Fork Branch the following;

22 S 01° 44' 08" W, a distance of 3.53 feet;

23 S 66° 52' 33" W, a distance of 42.96 feet;

24 S 33° 38' 42" W, a distance of 69.98 feet;

25 S 40° 03' 42" E, a distance of 70.10 feet;

26 S 55° 45' 01" W, a distance of 41.34 feet;

27 N 48° 48' 35" W, a distance of 59.65 feet;

- 1 S 69° 48' 08" W, a distance of 39.39 feet;
- 2 S 18° 46' 07" W, a distance of 39.69 feet;
- 3 N 85° 13' 51" W, a distance of 39.09 feet;
- 4 N 29° 38' 28" W, a distance of 49.02 feet;
- 5 S 67° 39' 14" W, a distance of 44.39 feet;
- 6 S 20° 56' 54" E, a distance of 35.20 feet;
- 7 S 51° 59' 02" W, a distance of 21.10 feet;
- 8 N 74° 18' 00" W, a distance of 56.94 feet;
- 9 S 87° 05' 41" W, a distance of 67.50 feet;
- 10 S 84° 48' 21" W, a distance of 94.67 feet;
- 11 S 01° 41' 24" W, a distance of 45.90 feet;
- 12 S 07° 55' 44" W, a distance of 54.05 feet;
- 13 S 49° 03' 20" E, a distance of 52.21 feet;
- 14 S 24° 32' 20" W, a distance of 43.50 feet;
- 15 N 34° 54' 01" W, a distance of 72.10 feet;
- 16 S 53° 27' 51" W, a distance of 49.96 feet;
- 17 N 44° 49' 29" W, a distance of 32.24 feet;
- 18 N 55° 21' 27" W, a distance of 47.42 feet;
- 19 S 89° 19' 26" W, a distance of 108.29 feet;
- 20 S 17° 00' 38" E, a distance of 68.50 feet;
- 21 S 49° 56' 33" E, a distance of 43.10 feet;
- 22 S 30° 15' 18" W, a distance of 28.51 feet;
- 23 S 17° 50' 28" E, a distance of 130.69 feet;
- 24 S 53° 14' 02" E, a distance of 113.00 feet;
- 25 S 49° 46' 29" W, a distance of 44.19 feet;
- 26 S 82° 30' 25" W, a distance of 46.29 feet;
- 27 S 55° 01' 26" W, a distance of 46.92 feet;

- 1 S 73° 59' 42" W, a distance of 73.60 feet;
- 2 S 01° 58' 50" W, a distance of 82.39 feet;
- 3 S 44° 32' 54" W, a distance of 75.88 feet;
- 4 S 60° 59' 33" W, a distance of 125.92 feet;
- 5 N 59° 16' 40" W, a distance of 8.73 feet;
- 6 N 02° 07' 41" E, a distance of 42.96 feet;
- 7 N 51° 05' 49" W, a distance of 87.66 feet;
- 8 S 56° 57' 55" W, a distance of 92.01 feet;
- 9 S 00° 11' 40" E, a distance of 44.48 feet;
- 10 N 86° 35' 20" W, a distance of 40.32 feet;
- 11 N 23° 04' 01" W, a distance of 132.38 feet;
- 12 S 67° 47' 22" W, a distance of 29.70 feet;
- 13 N 77° 54' 32" W, a distance of 91.22 feet;
- 14 N 89° 09' 38" W, a distance of 57.89 feet;
- 15 S 25° 45' 11" W, a distance of 47.92 feet;
- 16 S 48° 37' 15" W, a distance of 47.84 feet;
- 17 N 31° 57' 32" W, a distance of 38.45 feet;
- 18 S 58° 36' 40" W, a distance of 80.57 feet;
- 19 S 77° 51' 41" W, a distance of 92.67 feet;
- 20 S 25° 04' 17" W, a distance of 53.98 feet;
- 21 S 79° 04' 03" W, a distance of 40.09 feet;
- 22 S 41° 02' 33" W, a distance of 86.41 feet;
- 23 S 86° 01' 01" W, a distance of 65.70 feet;
- 24 N 53° 16' 17" W, a distance of 44.26 feet;
- 25 S 71° 51' 47" W, a distance of 53.49 feet;
- 26 S 28° 19' 23" E, a distance of 102.21 feet;
- 27 S 21° 28' 55" W, a distance of 66.43 feet;

1 S 31° 05' 30" E, a distance of 51.38 feet;
2 S 05° 58' 01" W, a distance of 107.43 feet;
3 S 83° 52' 10" W, a distance of 36.07 feet;
4 N 41° 33' 44" W, a distance of 150.73 feet;
5 S 17° 58' 36" W, a distance of 95.82 feet;
6 N 82° 04' 42" W, a distance of 31.64 feet;
7 N 35° 10' 48" W, a distance of 58.03 feet;
8 N 87° 29' 01" W, a distance of 66.68 feet;
9 S 32° 01' 53" W, a distance of 64.83 feet;
10 S 75° 23' 35" W, a distance of 136.16 feet;
11 S 17° 11' 11" E, a distance of 81.64 feet;
12 S 19° 14' 03" W, a distance of 87.30 feet;
13 S 10° 47' 34" E, a distance of 59.51 feet;
14 S 04° 45' 11" W, a distance of 21.33 feet;
15 N 87° 49' 28" W, a distance of 52.55 feet;
16 N 62° 32' 49" W, a distance of 103.03 feet;
17 S 72° 39' 07" W, a distance of 37.14 feet;
18 S 07° 43' 44" W, a distance of 163.03 feet;
19 S 10° 00' 43" W, a distance of 13.38 feet;
20 S 01° 19' 14" W, a distance of 11.09 feet;
21 S 22° 33' 28" W, a distance of 21.31 feet;
22 S 74° 35' 23" W, a distance of 54.36 feet;
23 N 32° 00' 02" W, a distance of 61.49 feet;
24 N 83° 53' 28" W, a distance of 43.49 feet;
25 N 29° 07' 53" E, a distance of 155.66 feet;
26 N 68° 28' 09" W, a distance of 473.34 feet to a USA
27 Government concrete monument found at corner;

1 N 21° 08' 29" W, passing, at a distance of 400.00 feet, a
2 USA Government concrete marker found and continuing to make a
3 total distance of 830.00 feet to a 1/2" iron pin with a red
4 cap stamped Tipton Eng. Inc. set at corner;

5 N 07° 57' 42" E, a distance of 549.88 feet;

6 S 63° 09' 42" W, a distance of 330.00 feet;

7 THENCE, along the westerly line of a tract of land identified
8 as Tract L --031-2 as acquired by the United States of America
9 according to the Judgement on Declaration recorded in Volume 427,
10 Page 404 (LRDCT) the following;

11 S 03° 31' 42" W, a distance of 510.00 feet to a USA
12 Government concrete marker found at corner;

13 S 21° 24' 16" E, a distance of 1,365.00 feet;

14 S 04° 16' 16" E, passing, at a distance of 497.59 feet, a
15 USA Government concrete monument found, and continuing to
16 make a total distance of 930.00 feet from which a USA
17 Government concrete monument found bears N 06° 22' 54" W, a
18 distance of 135.33 feet

19 S 31° 43' 44" W, a distance of 1,115.00 feet;

20 THENCE, continuing along a USA tract the following;

21 N 35° 18' 33" W, a distance of 128.53 feet;

22 N 01° 41' 20" E, a distance of 192.60 feet;

23 N 11° 06' 20" W, a distance of 154.71 feet;

24 S 30° 52' 06" W, a distance of 844.30 feet;

25 S 15° 32' 04" E, a distance of 43.00 feet;

26 S 55° 41' 41" W, a distance of 144.60 feet;

27 N 33° 27' 55" W, passing a USA Government concrete marker

1 at a distance of 501.36 feet and continuing to make a total
2 distance of 1,003 feet;

3 N 65° 52' 55" W, a distance of 531.78 feet;

4 N 60° 30' 44" W, part of the way along an easterly line of
5 a tract identified as Tract L--1031-1 and acquired by the
6 Unites States of America according to the Judgement on
7 Declaration recorded in Volume 427, Page 404 (LRDCT), a total
8 distance of 481.11 feet;

9 THENCE, continuing along said Tract L-1031-1 easterly line,
10 the following;

11 N 10° 19' 16" E, a distance of 1,200.00 feet;

12 N 21° 17' 44" W, a distance of 575.00 feet;

13 THENCE, N 87° 15' 44" W, along the north line of said Tract
14 L-1031-1, a distance of 125.00 feet to the southeast corner of a
15 tract of land owned by Robert C. Francis, according to the deed
16 recorded in County Clerk File Number 93-R0087997 (LRDCT);

17 THENCE, with the meanders of the centerline of Pecan Creek
18 and westerly line of a tract of land conveyed to W.P. Carr, Jr.
19 according to the deed recorded in Volume 817, Page 381 (LRDCT), the
20 following;

21 N 14° 19' 37" W, a distance of 201.03 feet;

22 N 73° 56' 27" E, a distance of 155.79 feet;

23 N 01° 56' 45" W, a distance of 358.67 feet;

24 N 21° 27' 57" E, a distance of 194.01 feet;

25 N 01° 43' 38" E, a distance of 87.33 feet;

26 N 24° 34' 57" W, a distance of 50.14 feet;

27 N 39° 36' 40" W, a distance of 53.90 feet;

- 1 N 50° 09' 58" W, a distance of 193.14 feet;
- 2 N 36° 44' 04" W, a distance of 58.20 feet;
- 3 N 13° 31' 23" E, a distance of 104.11 feet;
- 4 N 28° 55' 40" E, a distance of 97.06 feet;
- 5 N 13° 23' 48" E, a distance of 121.30 feet;
- 6 N 20° 49' 09" E, a distance of 214.74 feet;
- 7 N 03° 31' 57" W, a distance of 78.61 feet;
- 8 N 26° 35' 51" W, a distance of 56.17 feet;
- 9 S 74° 21' 48" W, a distance of 323.40 feet;
- 10 N 47° 43' 36" W, a distance of 184.30 feet
- 11 N 01° 18' 37" W, a distance of 176.41 feet;
- 12 N 31° 50' 17" E, a distance of 144.41 feet;
- 13 N 73° 48' 26" E, a distance of 76.36 feet;
- 14 N 87° 17' 57" E, a distance of 388.23 feet;
- 15 N 12° 53' 59" E, a distance of 91.64 feet;
- 16 N 51° 40' 48" W, a distance of 110.88 feet;
- 17 N 65° 46' 04" W, a distance of 85.16 feet;
- 18 N 67° 35' 51" W, a distance of 203.95 feet;
- 19 N 24° 43' 53" W, a distance of 386.38 feet;
- 20 N 09° 34' 08" E, a distance of 121.10 feet;
- 21 N 84° 51' 30" E, a distance of 91.31 feet;
- 22 S 58° 52' 33" E, a distance of 92.02 feet;
- 23 N 65° 39' 30" E, a distance of 203.09 feet;
- 24 N 55° 22' 35" E, a distance of 143.03 feet;
- 25 N 27° 38' 53" W, a distance of 131.21 feet;
- 26 N 47° 40' 40" E, a distance of 230.19 feet;
- 27 N 56° 27' 27" E, a distance of 155.71 feet;

1 N 35° 32' 32" E, a distance of 89.15 feet;
2 N 05° 04' 15" W, a distance of 31.55 feet;
3 N 32° 21' 15" W, a distance of 60.86 feet;
4 N 53° 25' 11" W, a distance of 37.55 feet;
5 N 72° 33' 50" W, a distance of 224.81 feet;
6 N 54° 27' 52" W, a distance of 43.91 feet;
7 N 37° 55' 52" W, a distance of 485.32 feet;
8 N 28° 17' 53" E, a distance of 67.53 feet;
9 N 51° 05' 52" E, a distance of 122.66 feet;
10 N 61° 56' 21" W, a distance of 208.44 feet;
11 N 17° 47' 41" W, a distance of 130.57 feet;
12 N 70° 21' 04" E, a distance of 278.71 feet;
13 N 06° 17' 18" E, a distance of 113.58 feet;
14 N 37° 24' 02" W, a distance of 177.94 feet;
15 N 01° 45' 49" E, a distance of 103.77 feet;
16 N 63° 02' 18" E, a distance of 264.76 feet;
17 N 12° 55' 48" E, a distance of 151.38 feet;
18 THENCE, N 87° 39' 37" W, along the south line of a tract
19 of land conveyed to Manson Harris, Trustee according to the
20 deed recorded in Volume 419, Page 463 (LRDCT), and the north
21 line of a tract of land conveyed to James M. Dear according to
22 the deed filed in County Clerk File Number 95-R0026211
23 (LRDCT), passing a 1/2" iron pin with a red cap stamped Tipton
24 Eng. Inc. set on line at a distance of 326.75 feet and
25 continuing to make a total distance of 2,661.87 feet to a
26 point on the east line of Farm-to-Market Road No. 2931, a 1/2"
27 iron pin found at corner, from which a wooden right-of-way

1 marker bears S 17° 32' 17" E--1.51 feet and another wooden
2 right-of-way marker bears S 09° 45' 26" W--32.84 feet;

3 THENCE, along the said Farm-to-Market Road No. 2931 easterly
4 line and the westerly line of said Manson Harris, Trustee tract,
5 (Volume 419, Page 463) the following;

6 Around a curve to the right having a central angle of 16°
7 58' 33", a radius of 1,095.92 feet and a chord of N 19° 45' 08"
8 E--323.52 feet, an arc distance of 324.71 feet to a 1/2" iron
9 pin with a red cap stamped Tipton Eng. Inc. set at corner,
10 from which a wooden right-of-way marker bears N 09° 23' 22" E,
11 a distance of 1.05 feet;

12 N 28° 12' 59" E, a distance of 616.60 feet to a 1/2" iron
13 pin with a red cap stamped Tipton Eng. Inc. set at corner;

14 Around a tangent curve to the left having a central
15 angle of 10° 59' 47", a radius of 1,195.92 feet and a chord of
16 N 22° 43' 05" E - 229.17 feet, an arc distance of 229.53 feet
17 to the PLACE OF BEGINNING with the subject tract containing
18 105,485,324 square feet or 2,421.6098 acres of land.

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

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

1 Environmental Quality.

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

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

10 SECTION 4. This Act takes effect September 1, 2005.

H.B. No. 3534

President of the Senate

Speaker of the House

I certify that H.B. No. 3534 was passed by the House on May 20, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 3534 was passed by the Senate on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor