

By: Denny

H.B. No. 3534

Substitute the following for H.B. No. 3534:

By: Puente

C.S.H.B. No. 3534

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Denton County Municipal Utility District No. 6; 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 8126 to read as follows:

CHAPTER 8126. DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8126.001. 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 Denton County Municipal Utility District No. 6.

Sec. 8126.002. NATURE OF DISTRICT. The district is a municipal utility district in Denton 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. 8126.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8126.023 before September 1, 2007:

(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.