

1-1 By: Denny (Senate Sponsor - Nelson) H.B. No. 3534  
1-2 (In the Senate - Received from the House May 20, 2005;  
1-3 May 20, 2005, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 21, 2005, reported favorably by  
1-5 the following vote: Yeas 5, Nays 0; May 21, 2005, sent to printer.)

1-6 HOUSE COMMITTEE SUBSTITUTE FOR H.B. NO. 3534 RECEIVED IN THE FORM OF  
1-7 ENGROSSED RIDER IN LIEU OF A FULL ENGROSSMENT

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Denton County Municipal Utility  
1-11 District No. 6; providing authority to impose a tax and issue bonds;  
1-12 granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-15 Code, is amended by adding Chapter 8126 to read as follows:

1-16 CHAPTER 8126. DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 6

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8126.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the  
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Denton County Municipal  
1-23 Utility District No. 6.

1-24 Sec. 8126.002. NATURE OF DISTRICT. The district is a  
1-25 municipal utility district in Denton County created under and  
1-26 essential to accomplish the purposes of Section 52, Article III,  
1-27 and Section 59, Article XVI, Texas Constitution. The district is  
1-28 created to serve a public use and benefit.

1-29 Sec. 8126.003. CONFIRMATION ELECTION REQUIRED. If the  
1-30 creation of the district is not confirmed at a confirmation  
1-31 election held under Section 8126.023 before September 1, 2007:

1-32 (1) the district is dissolved September 1, 2007,  
1-33 except that:

1-34 (A) any debts incurred shall be paid;

1-35 (B) any assets that remain after the payment of  
1-36 debts shall be transferred to Denton County; and

1-37 (C) the organization of the district shall be  
1-38 maintained until all debts are paid and remaining assets are  
1-39 transferred; and

1-40 (2) this chapter expires September 1, 2010.

1-41 Sec. 8126.004. INITIAL DISTRICT TERRITORY. (a) The  
1-42 district is initially composed of the territory described by  
1-43 Section 2 of the Act creating this chapter.

1-44 (b) The boundaries and field notes contained in Section 2 of  
1-45 the Act creating this chapter form a closure. A mistake made in the  
1-46 field notes or in copying the field notes in the legislative process  
1-47 does not affect:

1-48 (1) the organization, existence, or validity of the  
1-49 district;

1-50 (2) the right of the district to impose taxes;

1-51 (3) the validity of the district's bonds, notes, or  
1-52 indebtedness; or

1-53 (4) the legality or operation of the district or the  
1-54 board.

1-55 Sec. 8126.005. APPLICABILITY OF OTHER LAW. Except as  
1-56 otherwise provided by this chapter, Chapters 49, 53, and 54, Water  
1-57 Code, apply to the district.

1-58 [Sections 8126.006-8126.020 reserved for expansion]

1-59 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-60 Sec. 8126.021. TEMPORARY DIRECTORS. (a) On or after  
1-61 September 1, 2005, a person who owns land inside the boundaries of

2-1 the district may petition the Texas Commission on Environmental  
 2-2 Quality to appoint as temporary directors the five persons listed  
 2-3 in the petition.

2-4 (b) The commission shall appoint as temporary directors the  
 2-5 persons listed in a petition received by the commission under  
 2-6 Subsection (a). If the commission receives more than one petition,  
 2-7 the commission shall appoint the directors listed in the first  
 2-8 petition the commission receives.

2-9 (c) If a temporary director fails to qualify for office, the  
 2-10 commission shall appoint a person to fill the vacancy.

2-11 (d) Temporary directors serve until the earlier of:  
 2-12 (1) the date directors are elected under Section  
 2-13 8126.023; or  
 2-14 (2) the date this chapter expires under Section  
 2-15 8126.003.

2-16 Sec. 8126.022. ORGANIZATIONAL MEETING OF TEMPORARY  
 2-17 DIRECTORS. As soon as practicable after all the temporary  
 2-18 directors have qualified under Section 49.055, Water Code, the  
 2-19 temporary directors shall meet at a location in the district  
 2-20 agreeable to a majority of the directors. If a location cannot be  
 2-21 agreed upon, the meeting shall be at the Denton County Courthouse.  
 2-22 At the meeting, the temporary directors shall elect officers from  
 2-23 among the temporary directors and conduct any other district  
 2-24 business.

2-25 Sec. 8126.023. CONFIRMATION AND INITIAL DIRECTORS'  
 2-26 ELECTION. The temporary directors shall hold an election to  
 2-27 confirm the creation of the district and to elect five directors as  
 2-28 provided by Section 49.102, Water Code.

2-29 Sec. 8126.024. INITIAL ELECTED DIRECTORS; TERMS. The  
 2-30 directors elected under Section 8126.023 shall draw lots to  
 2-31 determine which two shall serve until the first regularly scheduled  
 2-32 election of directors under Section 8126.052 and which three shall  
 2-33 serve until the second regularly scheduled election of directors.

2-34 Sec. 8126.025. EXPIRATION OF SUBCHAPTER. This subchapter  
 2-35 expires September 1, 2010.

2-36 [Sections 8126.026-8126.050 reserved for expansion]

2-37 SUBCHAPTER B. BOARD OF DIRECTORS

2-38 Sec. 8126.051. DIRECTORS; TERMS. (a) The district is  
 2-39 governed by a board of five directors.

2-40 (b) Directors serve staggered four-year terms.

2-41 Sec. 8126.052. ELECTION OF DIRECTORS. On the uniform  
 2-42 election date in May of each even-numbered year, the appropriate  
 2-43 number of directors shall be elected.

2-44 [Sections 8126.053-8126.100 reserved for expansion]

2-45 SUBCHAPTER C. POWERS AND DUTIES

2-46 Sec. 8126.101. MUNICIPAL UTILITY DISTRICT AND FRESH WATER  
 2-47 SUPPLY DISTRICT POWERS AND DUTIES. (a) Except as provided by  
 2-48 Subsections (b) and (c), the district has the powers and duties  
 2-49 provided by the general law of this state, including Chapters 49,  
 2-50 53, and 54, Water Code, applicable to municipal utility districts  
 2-51 and fresh water supply districts created under Section 52, Article  
 2-52 III, and Section 59, Article XVI, Texas Constitution.

2-53 (b) Sections 53.029(b), 53.030-53.034, and 53.040-53.043,  
 2-54 Water Code, do not apply to the district.

2-55 (c) If a provision of Chapter 53, Water Code, is in conflict  
 2-56 or inconsistent with this chapter or Chapter 54, Water Code, this  
 2-57 chapter and Chapter 54, Water Code, prevail.

2-58 Sec. 8126.102. ROAD PROJECTS. (a) The district may  
 2-59 construct, acquire, improve, maintain, or operate macadamized,  
 2-60 graveled, or paved roads or turnpikes, or improvements in aid of  
 2-61 those roads or turnpikes, inside or outside the district.

2-62 (b) A project authorized by this section must meet only the  
 2-63 construction standards adopted by the North Central Texas Council  
 2-64 of Governments, or its successor agency.

2-65 Sec. 8126.103. ROAD CONTRACTS. The district may contract  
 2-66 for a road project in the same manner as provided by Subchapter I,  
 2-67 Chapter 49, Water Code.

2-68 Sec. 8126.104. CERTIFICATE OF CONVENIENCE AND NECESSITY.  
 2-69 (a) The district may pay out of bond proceeds or other available

3-1 district money all expenses, including legal, engineering, and  
 3-2 other fees, related to obtaining a new certificate of convenience  
 3-3 and necessity under Chapter 13, Water Code, authorizing the  
 3-4 district to provide retail water or sewer service inside or outside  
 3-5 the district.

3-6 (b) The district may pay out of bond proceeds or other  
 3-7 available district money all expenses, including the purchase  
 3-8 price, related to acquiring certificate of convenience and  
 3-9 necessity rights from another retail public utility to allow the  
 3-10 district to provide retail water or sewer service in the district.

3-11 Sec. 8126.105. CONTRACT WITH POLITICAL SUBDIVISION FOR  
 3-12 WATER OR SEWER SERVICES. (a) The district may enter into a  
 3-13 contract to allow a political subdivision to provide retail water  
 3-14 or sewer service in the district. The contract may contain terms  
 3-15 the board considers desirable, fair, and advantageous to the  
 3-16 district.

3-17 (b) The contract may provide that the district will  
 3-18 construct or acquire and convey or lease to the political  
 3-19 subdivision a water supply or treatment system, a water  
 3-20 distribution system, or a sanitary sewage collection or treatment  
 3-21 system, as necessary to provide water or sewer service in the  
 3-22 district.

3-23 (c) The district may use bond proceeds or other available  
 3-24 district money to pay for its obligations and for services and  
 3-25 facilities provided under the contract.

3-26 (d) If the contract requires the district to make payments  
 3-27 from taxes other than operation and maintenance taxes, the contract  
 3-28 is subject to Section 49.108, Water Code.

3-29 Sec. 8126.106. COMPLIANCE WITH MUNICIPAL CONSENT  
 3-30 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
 3-31 54.016, Water Code, the district shall comply with all applicable  
 3-32 requirements of any ordinance or resolution adopted by the city  
 3-33 council of the City of Aubrey, including an ordinance or resolution  
 3-34 adopted before September 1, 2005, that consents to the creation of  
 3-35 the district or to the inclusion of lands within the district.

3-36 [Sections 8126.107-8126.150 reserved for expansion]

3-37 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-38 Sec. 8126.151. OPERATION AND MAINTENANCE TAX. (a) The  
 3-39 district may impose a tax for any district operation and  
 3-40 maintenance purpose in the manner provided by Section 49.107, Water  
 3-41 Code.

3-42 (b) Section 49.107(f), Water Code, does not apply to  
 3-43 reimbursements for projects constructed or acquired under Section  
 3-44 8126.102.

3-45 Sec. 8126.152. TAX TO REPAY BONDS. The district may impose  
 3-46 a tax to pay the principal of or interest on bonds issued under  
 3-47 Section 8126.201.

3-48 Sec. 8126.153. TAX FOR CONTRACTUAL OBLIGATIONS. The  
 3-49 district may impose a tax to pay for the district's contractual  
 3-50 obligations under Section 8126.103.

3-51 Sec. 8126.154. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
 3-52 ASSESSMENTS. The district may not impose an impact fee or  
 3-53 assessment on the property, including the equipment,  
 3-54 rights-of-way, facilities, or improvements, of:

3-55 (1) an electric utility or a power generation company  
 3-56 as defined by Section 31.002, Utilities Code;

3-57 (2) a gas utility as defined by Section 101.003 or  
 3-58 121.001, Utilities Code;

3-59 (3) a telecommunications provider as defined by  
 3-60 Section 51.002, Utilities Code;

3-61 (4) a cable operator as defined by 47 U.S.C. Section  
 3-62 522; or

3-63 (5) a person who provides to the public advanced  
 3-64 telecommunications services.

3-65 [Sections 8126.155-8126.200 reserved for expansion]

3-66 SUBCHAPTER E. BONDS

3-67 Sec. 8126.201. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-68 OBLIGATIONS. (a) The district may issue bonds or other  
 3-69 obligations as provided by Chapters 49 and 54, Water Code, to

4-1 finance the construction, maintenance, or operation of projects  
 4-2 under Sections 8126.101 and 8126.102.

4-3 (b) The district may not issue bonds to finance projects  
 4-4 under Section 8126.102 unless the issuance is approved by a vote of  
 4-5 a two-thirds majority of the voters of the district voting at an  
 4-6 election called for that purpose.

4-7 (c) Bonds or other obligations issued or incurred to finance  
 4-8 projects authorized by Section 8126.102 may not exceed one-fourth  
 4-9 of the assessed value of the real property in the district.

4-10 (d) Sections 49.181, 49.182, and 50.107, Water Code, do not  
 4-11 apply to a project undertaken by the district under Section  
 4-12 8126.102 or to bonds issued by the district to finance the project.

4-13 SECTION 2. The Denton County Municipal Utility District No.  
 4-14 6 initially includes all the territory contained in the following  
 4-15 area:

4-16 BEING a tract of land situated in the W. Lumpkin Survey,  
 4-17 Abstract No. 730 and the F. Pollard Survey, Abstract No. 995 Denton  
 4-18 County, Texas, the subject tract consisting of the following  
 4-19 fourteen (14) tracts of land; that called 444.091 acre tract  
 4-20 conveyed to M.W. Carr, Trustee, according to the Special Warranty  
 4-21 Deed recorded in Volume 2861, Page 751 of the Land Records of Denton  
 4-22 County, Texas (LRDCT), those tracts conveyed to Manson Harris,  
 4-23 Trustee as follows; the six(6) tracts identified as Tracts One,  
 4-24 Two, Six, Nine, Ten and Eleven according to the deed recorded in  
 4-25 Volume 410, Page 361 (LRDCT); the two(2) tracts identified as Tract  
 4-26 No. One and Tract No. Two according to the deed recorded in Volume  
 4-27 419, Page 357 (LRDCT), those two(2) tracts identified as First  
 4-28 tract and Second tract according to the Warranty Deed recorded in  
 4-29 Volume 409, Page 370 (LRDCT), a portion of that tract conveyed by  
 4-30 the warranty deed recorded in Volume 419, page 463 (LRDCT); that  
 4-31 tract conveyed to James Allison Cosby, Trustee, according to the  
 4-32 General Warranty Deed recorded in Volume 665, Page 237 (LRDCT);  
 4-33 that tract conveyed to W. Place Carr, III according to the Warranty  
 4-34 Deed recorded in Volume 5304, Page 0629; and that tract conveyed to  
 4-35 William Plack Carr, Jr. according to the General Warranty Deed  
 4-36 recorded in Volume 871, Page 381 (LRDCT), the total subject tract  
 4-37 being more particularly described as follows;

4-38 BEGINNING at a point on the East line of FM 2931 and at the  
 4-39 northwest corner of a tract of land owned by said Manson Harris,  
 4-40 Trustee according to the deed recorded in Volume 419, Page 463  
 4-41 (LRDCT), said beginning point further being located on the north  
 4-42 line of said W. Lumpkin Survey Abstract No. 730 and approximately  
 4-43 476.4 feet Easterly from the northwest corner of said W. Lumpkin  
 4-44 Survey, a 1/2" iron pin with a cap stamped Tipton Engineering, Inc.  
 4-45 set at corner, from which a wood right-of-way monument bears N 23°  
 4-46 12 18" W, a distance of 163.82 feet;

4-47 THENCE, along the easterly line of said FM 2931 according to  
 4-48 the deed recorded in Volume 573, Page 561 the following;

4-49 Around a curve to the left having a central angle of 14°  
 4-50 30' 13", a radius of 1,195.92 feet, and a chord of N 09° 58'  
 4-51 05" E - 301.92 feet, an arc distance of 302.73 feet to a 1/2"  
 4-52 iron pin with a red cap stamped Tipton Eng. Inc. set at  
 4-53 corner;

4-54 N 02° 42' 59" E, a distance of 1,456.00 feet to a 1/2"  
 4-55 iron pin with a red cap stamped Tipton Eng. Inc. set at  
 4-56 corner;

4-57 N 08° 25' 37" E, a distance of 100.50 feet to a wood  
 4-58 highway monument found at corner;

4-59 N 02° 42' 59" E, a distance of 300.00 feet to a wood  
 4-60 highway monument found at corner;

4-61 N 02° 59' 39" W, a distance of 100.50 feet to a 1/2" iron  
 4-62 pin with a red cap stamped Tipton Eng. Inc. set at corner;

4-63 N 02° 42' 59" E, a distance of 68.85 feet to the  
 4-64 northwest corner of that tract identified as Tract 2 of said  
 4-65 Manson Harris, Trustee deed (Volume 410, Page 361) a nail in a  
 4-66 wood right-of-way monument found at corner;

4-67 THENCE, S 86° 30' 22" E, along the south line of a tract of  
 4-68 land conveyed to R.W. Noble, ET UX according to the deed recorded in  
 4-69 Volume 1726, Page 881 (LRDCT), and the north line of said Manson

5-1 Harris Trustee Tract 2 (Volume 410, Page 361), distance of 3,068.71  
5-2 feet to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set  
5-3 at corner in the centerline of a creek identified as Hawling Branch;  
5-4        THENCE, in a southerly direction along the centerline  
5-5 meanders of said Hawling Branch and a common line with a tract of  
5-6 land conveyed to James Williams according to the deed recorded in  
5-7 Volume 577, Page 328 (LRDCT), the following;  
5-8        S 00° 54' 06" W, a distance of 24.28 feet;  
5-9        S 28° 00' 45" W, a distance of 40.68 feet;  
5-10       S 30° 49' 09" E, a distance of 39.42 feet;  
5-11       S 18° 53' 27" E, a distance of 58.73 feet;  
5-12       S 75° 33' 59" E, a distance of 33.71 feet;  
5-13       S 21° 51' 14" E, a distance of 20.06 feet to a point in  
5-14 the approximate centerline of Pecan Creek;  
5-15        THENCE, continuing along the centerline meanders of Pecan  
5-16 Creek and in an Easterly direction along a common property line  
5-17 between the James Williams tract and a tract of land identified as  
5-18 Tract 2 and conveyed to Manson Harris, Trustee according to the deed  
5-19 recorded in Volume 409, Page 370 (LRDCT) the following;  
5-20        S 67° 19' 05" E, a distance of 26.06 feet;  
5-21        N 43° 07' 31" E, a distance of 53.45 feet;  
5-22        N 61° 07' 26" E, a distance of 45.20 feet;  
5-23        N 69° 27' 32" E, a distance of 44.65 feet;  
5-24        N 79° 13' 17" E, a distance of 47.64 feet;  
5-25        N 80° 21' 32" E, a distance of 119.04 feet;  
5-26        S 81° 36' 44" E, a distance of 50.18 feet;  
5-27        N 86° 12' 28" E, a distance of 116.29 feet;  
5-28        S 67° 59' 39" E, a distance of 72.39 feet;  
5-29        N 78° 01' 35" E, a distance of 60.84 feet;  
5-30        N 69° 59' 16" E, a distance of 79.88 feet;  
5-31        N 43° 16' 20" E, a distance of 30.34 feet to a point on  
5-32 the previously mentioned W. Lumpkin Survey--Abstract No. 730  
5-33 north line;  
5-34        THENCE, S 86° 30' 02" E, along the north line of said W.  
5-35 Lumpkin Survey--Abstract No. 730, the north line of said Manson  
5-36 Harris, Trustee Tract 2 (Volume 409, Page 370) and the south line of  
5-37 a tract of land conveyed to Tom L. Decker according to the deed  
5-38 recorded in Volume 959, Page 71 (LRDCT), a distance of 1,096.88 feet  
5-39 to the northeast corner of said Manson Harris, Trustee Tract 2, a PK  
5-40 nail found in asphalt at corner near the centerlines intersection  
5-41 of Coffey Road (a Public ROW) and Bonar Road (a Public ROW);  
5-42        THENCE, S 86° 03' 33" E, along the approximate centerline of  
5-43 said Bonar Road and continuing along said W. Lumpkin  
5-44 Survey--Abstract No. 730 north line and the south line of the Tom L.  
5-45 Decker Tract and along the north line of a tract of land conveyed to  
5-46 Manson Harris, Trustee and identified as Tract 6 in the deed  
5-47 recorded in Volume 410, Page 361, a distance of 2,243.77 feet to a  
5-48 point being the southeast corner of a said Tom L. Decker tract, the  
5-49 southwest corner of a tract of land conveyed to Tom W. Mitchum  
5-50 according to the deed recorded in County Clerk File Number  
5-51 93-0032522 (LRDCT), a 60-d nail found in asphalt at corner;  
5-52        THENCE, S 83° 02' 32" E, along the common line between said  
5-53 Manson Harris, Trustee Tract 6 and said Tom W. Mitchum and  
5-54 proceeding along the centerline of said Bonar Road, a distance of  
5-55 165.23 feet to a 60-d nail found at corner;  
5-56        THENCE, S 74° 58' 57" E, continuing along the said Manson  
5-57 Harris Trustee Tract 6 north line the centerline of Bonar Road a  
5-58 distance of 60.76 feet to a 60d nail found in asphalt near the  
5-59 centerline of Pure Country Road at corner;  
5-60        THENCE, continuing along the northeasterly line of said  
5-61 Manson Harris Trustee, Tract No. 6 and along an old abandoned ROW of  
5-62 Bonar Road, the following;  
5-63        S 50° 12' 20" E, a distance of 78.74 feet;  
5-64        S 47° 45' 47" E, a distance of 117.54 feet;  
5-65        S 46° 00' 20" E, a distance of 148.71 feet;  
5-66        S 34° 45' 33" E, a distance of 117.90 feet;  
5-67        S 01° 21' 31" E, a distance of 101.33 feet;  
5-68        S 25° 33' 40" W, a distance of 182.31 feet;  
5-69        S 08° 22' 54" W, a distance of 96.08 feet;

6-1 S 24° 54' 57" E, a distance of 78.35 feet;  
 6-2 S 31° 53' 17" E, a distance of 151.31 feet;  
 6-3 S 12° 04' 56" E, a distance of 137.65 feet;  
 6-4 S 21° 26' 35" E, a distance of 245.92 feet to a point in  
 6-5 the centerline of Little Elm Creek and most westerly  
 6-6 northwesterly corner of a tract of land conveyed to M.W.  
 6-7 Carr, Trustee according to the deed recorded in Volume 2861,  
 6-8 Page 751 (LRDCT);  
 6-9 THENCE, up the meanders of the centerline of Little Elm  
 6-10 Creek, the following;  
 6-11 S 60° 49' 46" E, a distance of 141.43 feet;  
 6-12 N 68° 40' 14" E, a distance of 204.70 feet;  
 6-13 N 24° 36' 46" W, a distance of 232.40 feet;  
 6-14 N 54° 26' 14" E, a distance of 187.00 feet;  
 6-15 S 64° 02' 46" E, a distance of 423.10 feet;  
 6-16 N 49° 18' 15" E, a distance of 159.80 feet;  
 6-17 N 15° 47' 14" E, a distance of 449.20 feet;  
 6-18 N 42° 07' 46" W, a distance of 436.60 feet;  
 6-19 N 30° 06' 14" E, a distance of 437.00 feet;  
 6-20 N 57° 08' 14" E, a distance of 180.10 feet;  
 6-21 N 79° 38' 14" E, a distance of 443.80 feet;  
 6-22 N 62° 51' 44" E, a distance of 503.70 feet;  
 6-23 N 80° 33' 20" E, a distance of 494.03 feet;  
 6-24 N 21° 34' 46" W, a distance of 230.70 feet;  
 6-25 N 34° 21' 46" W, a distance of 153.50 feet;  
 6-26 N 20° 53' 14" E, a distance of 171.30 feet;  
 6-27 S 82° 31' 46" E, a distance of 239.90 feet;  
 6-28 N 87° 11' 14" E, along or near an old fence, a distance of  
 6-29 84.70 feet;  
 6-30 THENCE, N 80° 06' 14" E, along or near a fence a distance of  
 6-31 361.10 feet;  
 6-32 THENCE, S 87° 30' 46" E, a distance of 1,094.70 feet;  
 6-33 THENCE, N 32° 07' 46" W, a distance of 240.90 feet;  
 6-34 THENCE, N 12° 06' 46" W, a distance of 161.25 feet;  
 6-35 THENCE, N 05° 32' 14" E, a distance of 308.30 feet;  
 6-36 THENCE, N 25° 37' 46" W, a distance of 306.70 feet;  
 6-37 THENCE, N 46° 28' 14" E, a distance of 49.30 feet;  
 6-38 THENCE, S 87° 15' 46" E, a distance of 420.85 feet;  
 6-39 THENCE, N 89° 32' 14" E, continuing along the property line  
 6-40 between said J.T. Pickens tract and the subject tract and along or  
 6-41 near a fence, a distance of 546.80 feet to a corner near a creek;  
 6-42 THENCE, N 07° 32' 14" E, a distance of 301.10 feet to a point  
 6-43 near a creek;  
 6-44 THENCE, N 63° 17' 14" E, a distance of 120.20 feet to a point  
 6-45 in Little Elm Creek;  
 6-46 THENCE, continuing along the previously mentioned common  
 6-47 property line and up the centerline meanders of said Little Elm  
 6-48 Creek, the following;  
 6-49 N 19° 20' 14" E, a distance of 285.40 feet;  
 6-50 N 37° 13' 14" E, a distance of 202.00 feet;  
 6-51 N 68° 34' 14" E, a distance of 108.90 feet;  
 6-52 N 58° 26' 14" E, a distance of 323.90 feet;  
 6-53 S 63° 01' 46" E, a distance of 161.60 feet;  
 6-54 N 68° 03' 14" E, a distance of 73.30 feet;  
 6-55 S 38° 19' 46" E, a distance of 137.20 feet;  
 6-56 S 09° 33' 46" E, a distance of 370.10 feet to a point on  
 6-57 the west line of Farm-to-Market Road No. 1385, a 1/2" iron pin  
 6-58 with a red cap stamped Tipton Eng. Inc. set at corner;  
 6-59 THENCE, southerly along the said Farm-to-Market Road No. 1385  
 6-60 westerly line, the following;  
 6-61 S 00° 34' 58" E, a distance of 290.34 feet to a 1/2" iron  
 6-62 pin with a red cap stamped Tipton Eng. Inc. set at corner;  
 6-63 S 05° 41' 17" E, a distance of 101.12 feet to a 1/2" iron  
 6-64 pin with a red cap stamped Tipton Eng. Inc. set at corner;  
 6-65 S 02° 50' 34" W, a distance of 928.40 feet to a 1/2" iron  
 6-66 pin with a red cap stamped Tipton Eng. Inc. set at corner;  
 6-67 S 03° 32' 34" W, a distance of 2,157.30 feet to a 1/2"  
 6-68 iron pin with a red cap stamped Tipton Eng. Inc. set at  
 6-69 corner;

7-1           Around a tangent curve to the right having a central  
7-2 angle of 02° 02' 00", a radius of 11,485.37 feet, and a chord  
7-3 of S 02° 31' 34" W--407.58 feet, an arc distance of 407.60 feet  
7-4 to a 1/2" iron pin with a red cap stamped Tipton Eng. Inc. set  
7-5 at corner;  
7-6           S 01° 27' 30" W, a distance of 1,155.87 feet to a point  
7-7 near the centerline of Old Bonar Road (abandoned), a 1/2"  
7-8 iron pin found at corner, from which a 1/2" iron pin found on  
7-9 the east side of Farm-to-Market Road bears S 72° 30' 32" E, a  
7-10 distance of 95.08 feet;  
7-11           THENCE, continuing along the said Farm-to-Market Road No.  
7-12 1385 westerly line, the following;  
7-13           S 01° 47' 07" W, a distance of 212.68 feet to a 1/2" iron  
7-14 pin with a red cap stamped Tipton Eng. Inc. set at corner;  
7-15           S 02° 39' 34" W, a distance of 608.40 feet to a 1/2" iron  
7-16 pin with a red cap stamped Tipton Eng. Inc. set at corner;  
7-17           S 87° 20' 26" E, a distance of 5.00 feet to a 1/2" iron  
7-18 pin with a red cap stamped Tipton Eng. Inc. set at corner,  
7-19 from which a 5/8" iron pin with a yellow cap stamped "Cotton"  
7-20 Surveying bears S 51°29'37" W, a distance of 2.38 feet;  
7-21           S 02° 39' 34" W, a distance of 441.10 feet to a 1/2" iron  
7-22 pin with a red cap stamped Tipton Eng. Inc. set at corner;  
7-23           S 02° 17' 34" W, passing 0.91 easterly of a 1/2" iron pin  
7-24 found at a distance of 1,293.22 feet and continuing to make a  
7-25 total distance of 2,658.50 feet to a 1/2" iron pin with a red  
7-26 cap stamped Tipton Eng. Inc. set at corner;  
7-27           THENCE, around a non-tangent curve to the left having a  
7-28 central angle of 40° 57' 16", a radius of 2660.00 feet and a chord of  
7-29 S 71° 01' 03" W--1861.12 feet, an arc distance of 1901.34 feet to a  
7-30 point on the south line of that called 160.3 acre tract conveyed to  
7-31 W. Plack Carr, III according to the Warranty Deed recorded in Volume  
7-32 5304, Page 629 (LRDCT) and the north line of a tract of land  
7-33 conveyed to C.M. Jackson according to the Warranty Deed recorded in  
7-34 Volume 546, Page 12 (LRDCT);  
7-35           THENCE, N 87° 42' 59" W, along the said W. Plack Carr, III  
7-36 160.3 acre tract south line and the C.M. Jackson tract north line, a  
7-37 distance of 1,551.80 feet to a 1/2" iron pin found at corner;  
7-38           THENCE, N 87° 46' 34" W, continuing along said W. Plack Carr,  
7-39 III 160.3 acre tract part of the way and along the south line of a  
7-40 tract of land conveyed to Manson Harris, Trustee and identified as  
7-41 Tract 9 by the deed recorded in Volume 410, Page 361 (LRDCT), and  
7-42 the north line of the previously mentioned Denton County 250, L.P.  
7-43 tract, a distance of 2,105.22 feet to a 1/2" iron pin with a red cap  
7-44 stamped Tipton Eng. Inc. set at corner;  
7-45           THENCE, N 87° 13' 26" W, continuing along said Manson Harris,  
7-46 Trustee Tract 9 south line and the north line of the previously  
7-47 mentioned Denton County 250, L.P. tract, a distance of 401.38 feet  
7-48 to a point in the center line of Dry Fork Branch;  
7-49           THENCE, continuing along a common line between said Manson  
7-50 Harris, Trustee Tract 9 and Denton County 250, L.P. tract and the  
7-51 meanders of the centerline of Dry Fork Branch the following;  
7-52           S 01° 44' 08" W, a distance of 3.53 feet;  
7-53           S 66° 52' 33" W, a distance of 42.96 feet;  
7-54           S 33° 38' 42" W, a distance of 69.98 feet;  
7-55           S 40° 03' 42" E, a distance of 70.10 feet;  
7-56           S 55° 45' 01" W, a distance of 41.34 feet;  
7-57           N 48° 48' 35" W, a distance of 59.65 feet;  
7-58           S 69° 48' 08" W, a distance of 39.39 feet;  
7-59           S 18° 46' 07" W, a distance of 39.69 feet;  
7-60           N 85° 13' 51" W, a distance of 39.09 feet;  
7-61           N 29° 38' 28" W, a distance of 49.02 feet;  
7-62           S 67° 39' 14" W, a distance of 44.39 feet;  
7-63           S 20° 56' 54" E, a distance of 35.20 feet;  
7-64           S 51° 59' 02" W, a distance of 21.10 feet;  
7-65           N 74° 18' 00" W, a distance of 56.94 feet;  
7-66           S 87° 05' 41" W, a distance of 67.50 feet;  
7-67           S 84° 48' 21" W, a distance of 94.67 feet;  
7-68           S 01° 41' 24" W, a distance of 45.90 feet;  
7-69           S 07° 55' 44" W, a distance of 54.05 feet;

8-1 S 49° 03' 20" E, a distance of 52.21 feet;  
 8-2 S 24° 32' 20" W, a distance of 43.50 feet;  
 8-3 N 34° 54' 01" W, a distance of 72.10 feet;  
 8-4 S 53° 27' 51" W, a distance of 49.96 feet;  
 8-5 N 44° 49' 29" W, a distance of 32.24 feet;  
 8-6 N 55° 21' 27" W, a distance of 47.42 feet;  
 8-7 S 89° 19' 26" W, a distance of 108.29 feet;  
 8-8 S 17° 00' 38" E, a distance of 68.50 feet;  
 8-9 S 49° 56' 33" E, a distance of 43.10 feet;  
 8-10 S 30° 15' 18" W, a distance of 28.51 feet;  
 8-11 S 17° 50' 28" E, a distance of 130.69 feet;  
 8-12 S 53° 14' 02" E, a distance of 113.00 feet;  
 8-13 S 49° 46' 29" W, a distance of 44.19 feet;  
 8-14 S 82° 30' 25" W, a distance of 46.29 feet;  
 8-15 S 55° 01' 26" W, a distance of 46.92 feet;  
 8-16 S 73° 59' 42" W, a distance of 73.60 feet;  
 8-17 S 01° 58' 50" W, a distance of 82.39 feet;  
 8-18 S 44° 32' 54" W, a distance of 75.88 feet;  
 8-19 S 60° 59' 33" W, a distance of 125.92 feet;  
 8-20 N 59° 16' 40" W, a distance of 8.73 feet;  
 8-21 N 02° 07' 41" E, a distance of 42.96 feet;  
 8-22 N 51° 05' 49" W, a distance of 87.66 feet;  
 8-23 S 56° 57' 55" W, a distance of 92.01 feet;  
 8-24 S 00° 11' 40" E, a distance of 44.48 feet;  
 8-25 N 86° 35' 20" W, a distance of 40.32 feet;  
 8-26 N 23° 04' 01" W, a distance of 132.38 feet;  
 8-27 S 67° 47' 22" W, a distance of 29.70 feet;  
 8-28 N 77° 54' 32" W, a distance of 91.22 feet;  
 8-29 N 89° 09' 38" W, a distance of 57.89 feet;  
 8-30 S 25° 45' 11" W, a distance of 47.92 feet;  
 8-31 S 48° 37' 15" W, a distance of 47.84 feet;  
 8-32 N 31° 57' 32" W, a distance of 38.45 feet;  
 8-33 S 58° 36' 40" W, a distance of 80.57 feet;  
 8-34 S 77° 51' 41" W, a distance of 92.67 feet;  
 8-35 S 25° 04' 17" W, a distance of 53.98 feet;  
 8-36 S 79° 04' 03" W, a distance of 40.09 feet;  
 8-37 S 41° 02' 33" W, a distance of 86.41 feet;  
 8-38 S 86° 01' 01" W, a distance of 65.70 feet;  
 8-39 N 53° 16' 17" W, a distance of 44.26 feet;  
 8-40 S 71° 51' 47" W, a distance of 53.49 feet;  
 8-41 S 28° 19' 23" E, a distance of 102.21 feet;  
 8-42 S 21° 28' 55" W, a distance of 66.43 feet;  
 8-43 S 31° 05' 30" E, a distance of 51.38 feet;  
 8-44 S 05° 58' 01" W, a distance of 107.43 feet;  
 8-45 S 83° 52' 10" W, a distance of 36.07 feet;  
 8-46 N 41° 33' 44" W, a distance of 150.73 feet;  
 8-47 S 17° 58' 36" W, a distance of 95.82 feet;  
 8-48 N 82° 04' 42" W, a distance of 31.64 feet;  
 8-49 N 35° 10' 48" W, a distance of 58.03 feet;  
 8-50 N 87° 29' 01" W, a distance of 66.68 feet;  
 8-51 S 32° 01' 53" W, a distance of 64.83 feet;  
 8-52 S 75° 23' 35" W, a distance of 136.16 feet;  
 8-53 S 17° 11' 11" E, a distance of 81.64 feet;  
 8-54 S 19° 14' 03" W, a distance of 87.30 feet;  
 8-55 S 10° 47' 34" E, a distance of 59.51 feet;  
 8-56 S 04° 45' 11" W, a distance of 21.33 feet;  
 8-57 N 87° 49' 28" W, a distance of 52.55 feet;  
 8-58 N 62° 32' 49" W, a distance of 103.03 feet;  
 8-59 S 72° 39' 07" W, a distance of 37.14 feet;  
 8-60 S 07° 43' 44" W, a distance of 163.03 feet;  
 8-61 S 10° 00' 43" W, a distance of 13.38 feet;  
 8-62 S 01° 19' 14" W, a distance of 11.09 feet;  
 8-63 S 22° 33' 28" W, a distance of 21.31 feet;  
 8-64 S 74° 35' 23" W, a distance of 54.36 feet;  
 8-65 N 32° 00' 02" W, a distance of 61.49 feet;  
 8-66 N 83° 53' 28" W, a distance of 43.49 feet;  
 8-67 N 29° 07' 53" E, a distance of 155.66 feet;  
 8-68 N 68° 28' 09" W, a distance of 473.34 feet to a USA  
 8-69 Government concrete monument found at corner;



9-1 N 21° 08' 29" W, passing, at a distance of 400.00 feet, a  
 9-2 USA Government concrete marker found and continuing to make a  
 9-3 total distance of 830.00 feet to a 1/2" iron pin with a red  
 9-4 cap stamped Tipton Eng. Inc. set at corner;  
 9-5 N 07° 57' 42" E, a distance of 549.88 feet;  
 9-6 S 63° 09' 42" W, a distance of 330.00 feet;  
 9-7 THENCE, along the westerly line of a tract of land identified  
 9-8 as Tract L --031-2 as acquired by the United States of America  
 9-9 according to the Judgement on Declaration recorded in Volume 427,  
 9-10 Page 404 (LRDCT) the following;  
 9-11 S 03° 31' 42" W, a distance of 510.00 feet to a USA  
 9-12 Government concrete marker found at corner;  
 9-13 S 21° 24' 16" E, a distance of 1,365.00 feet;  
 9-14 S 04° 16' 16" E, passing, at a distance of 497.59 feet, a  
 9-15 USA Government concrete monument found, and continuing to  
 9-16 make a total distance of 930.00 feet from which a USA  
 9-17 Government concrete monument found bears N 06° 22' 54" W, a  
 9-18 distance of 135.33 feet  
 9-19 S 31° 43' 44" W, a distance of 1,115.00 feet;  
 9-20 THENCE, continuing along a USA tract the following;  
 9-21 N 35° 18' 33" W, a distance of 128.53 feet;  
 9-22 N 01° 41' 20" E, a distance of 192.60 feet;  
 9-23 N 11° 06' 20" W, a distance of 154.71 feet;  
 9-24 S 30° 52' 06" W, a distance of 844.30 feet;  
 9-25 S 15° 32' 04" E, a distance of 43.00 feet;  
 9-26 S 55° 41' 41" W, a distance of 144.60 feet;  
 9-27 N 33° 27' 55" W, passing a USA Government concrete marker  
 9-28 at a distance of 501.36 feet and continuing to make a total  
 9-29 distance of 1,003 feet;  
 9-30 N 65° 52' 55" W, a distance of 531.78 feet;  
 9-31 N 60° 30' 44" W, part of the way along an easterly line of  
 9-32 a tract identified as Tract L--1031-1 and acquired by the  
 9-33 United States of America according to the Judgement on  
 9-34 Declaration recorded in Volume 427, Page 404 (LRDCT), a total  
 9-35 distance of 481.11 feet;  
 9-36 THENCE, continuing along said Tract L-1031-1 easterly line,  
 9-37 the following;  
 9-38 N 10° 19' 16" E, a distance of 1,200.00 feet;  
 9-39 N 21° 17' 44" W, a distance of 575.00 feet;  
 9-40 THENCE, N 87° 15' 44" W, along the north line of said Tract  
 9-41 L-1031-1, a distance of 125.00 feet to the southeast corner of a  
 9-42 tract of land owned by Robert C. Francis, according to the deed  
 9-43 recorded in County Clerk File Number 93-R0087997 (LRDCT);  
 9-44 THENCE, with the meanders of the centerline of Pecan Creek  
 9-45 and westerly line of a tract of land conveyed to W.P. Carr, Jr.  
 9-46 according to the deed recorded in Volume 817, Page 381 (LRDCT), the  
 9-47 following;  
 9-48 N 14° 19' 37" W, a distance of 201.03 feet;  
 9-49 N 73° 56' 27" E, a distance of 155.79 feet;  
 9-50 N 01° 56' 45" W, a distance of 358.67 feet;  
 9-51 N 21° 27' 57" E, a distance of 194.01 feet;  
 9-52 N 01° 43' 38" E, a distance of 87.33 feet;  
 9-53 N 24° 34' 57" W, a distance of 50.14 feet;  
 9-54 N 39° 36' 40" W, a distance of 53.90 feet;  
 9-55 N 50° 09' 58" W, a distance of 193.14 feet;  
 9-56 N 36° 44' 04" W, a distance of 58.20 feet;  
 9-57 N 13° 31' 23" E, a distance of 104.11 feet;  
 9-58 N 28° 55' 40" E, a distance of 97.06 feet;  
 9-59 N 13° 23' 48" E, a distance of 121.30 feet;  
 9-60 N 20° 49' 09" E, a distance of 214.74 feet;  
 9-61 N 03° 31' 57" W, a distance of 78.61 feet;  
 9-62 N 26° 35' 51" W, a distance of 56.17 feet;  
 9-63 S 74° 21' 48" W, a distance of 323.40 feet;  
 9-64 N 47° 43' 36" W, a distance of 184.30 feet  
 9-65 N 01° 18' 37" W, a distance of 176.41 feet;  
 9-66 N 31° 50' 17" E, a distance of 144.41 feet;  
 9-67 N 73° 48' 26" E, a distance of 76.36 feet;  
 9-68 N 87° 17' 57" E, a distance of 388.23 feet;  
 9-69 N 12° 53' 59" E, a distance of 91.64 feet;

10-1 N 51° 40' 48" W, a distance of 110.88 feet;  
10-2 N 65° 46' 04" W, a distance of 85.16 feet;  
10-3 N 67° 35' 51" W, a distance of 203.95 feet;  
10-4 N 24° 43' 53" W, a distance of 386.38 feet;  
10-5 N 09° 34' 08" E, a distance of 121.10 feet;  
10-6 N 84° 51' 30" E, a distance of 91.31 feet;  
10-7 S 58° 52' 33" E, a distance of 92.02 feet;  
10-8 N 65° 39' 30" E, a distance of 203.09 feet;  
10-9 N 55° 22' 35" E, a distance of 143.03 feet;  
10-10 N 27° 38' 53" W, a distance of 131.21 feet;  
10-11 N 47° 40' 40" E, a distance of 230.19 feet;  
10-12 N 56° 27' 27" E, a distance of 155.71 feet;  
10-13 N 35° 32' 32" E, a distance of 89.15 feet;  
10-14 N 05° 04' 15" W, a distance of 31.55 feet;  
10-15 N 32° 21' 15" W, a distance of 60.86 feet;  
10-16 N 53° 25' 11" W, a distance of 37.55 feet;  
10-17 N 72° 33' 50" W, a distance of 224.81 feet;  
10-18 N 54° 27' 52" W, a distance of 43.91 feet;  
10-19 N 37° 55' 52" W, a distance of 485.32 feet;  
10-20 N 28° 17' 53" E, a distance of 67.53 feet;  
10-21 N 51° 05' 52" E, a distance of 122.66 feet;  
10-22 N 61° 56' 21" W, a distance of 208.44 feet;  
10-23 N 17° 47' 41" W, a distance of 130.57 feet;  
10-24 N 70° 21' 04" E, a distance of 278.71 feet;  
10-25 N 06° 17' 18" E, a distance of 113.58 feet;  
10-26 N 37° 24' 02" W, a distance of 177.94 feet;  
10-27 N 01° 45' 49" E, a distance of 103.77 feet;  
10-28 N 63° 02' 18" E, a distance of 264.76 feet;  
10-29 N 12° 55' 48" E, a distance of 151.38 feet;  
10-30 THENCE, N 87° 39' 37" W, along the south line of a tract  
10-31 of land conveyed to Manson Harris, Trustee according to the  
10-32 deed recorded in Volume 419, Page 463 (LRDCT), and the north  
10-33 line of a tract of land conveyed to James M. Dear according to  
10-34 the deed filed in County Clerk File Number 95-R0026211  
10-35 (LRDCT), passing a 1/2" iron pin with a red cap stamped Tipton  
10-36 Eng. Inc. set on line at a distance of 326.75 feet and  
10-37 continuing to make a total distance of 2,661.87 feet to a  
10-38 point on the east line of Farm-to-Market Road No. 2931, a 1/2"  
10-39 iron pin found at corner, from which a wooden right-of-way  
10-40 marker bears S 17° 32' 17" E--1.51 feet and another wooden  
10-41 right-of-way marker bears S 09° 45' 26" W--32.84 feet;  
10-42 THENCE, along the said Farm-to-Market Road No. 2931 easterly  
10-43 line and the westerly line of said Manson Harris, Trustee tract,  
10-44 (Volume 419, Page 463) the following;  
10-45 Around a curve to the right having a central angle of 16°  
10-46 58' 33", a radius of 1,095.92 feet and a chord of N 19° 45' 08"  
10-47 E--323.52 feet, an arc distance of 324.71 feet to a 1/2" iron  
10-48 pin with a red cap stamped Tipton Eng. Inc. set at corner,  
10-49 from which a wooden right-of-way marker bears N 09° 23' 22" E,  
10-50 a distance of 1.05 feet;  
10-51 N 28° 12' 59" E, a distance of 616.60 feet to a 1/2" iron  
10-52 pin with a red cap stamped Tipton Eng. Inc. set at corner;  
10-53 Around a tangent curve to the left having a central  
10-54 angle of 10° 59' 47", a radius of 1,195.92 feet and a chord of  
10-55 N 22° 43' 05" E - 229.17 feet, an arc distance of 229.53 feet  
10-56 to the PLACE OF BEGINNING with the subject tract containing  
10-57 105,485,324 square feet or 2,421.6098 acres of land.  
10-58 SECTION 3. (a) The legal notice of the intention to  
10-59 introduce this Act, setting forth the general substance of this  
10-60 Act, has been published as provided by law, and the notice and a  
10-61 copy of this Act have been furnished to all persons, agencies,  
10-62 officials, or entities to which they are required to be furnished  
10-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
10-64 Government Code.  
10-65 (b) The governor, one of the required recipients, has  
10-66 submitted the notice and Act to the Texas Commission on  
10-67 Environmental Quality.  
10-68 (c) The Texas Commission on Environmental Quality has filed  
10-69 its recommendations relating to this Act with the governor, the

11-1 lieutenant governor, and the speaker of the house of  
11-2 representatives within the required time.

11-3 (d) All requirements of the constitution and laws of this  
11-4 state and the rules and procedures of the legislature with respect  
11-5 to the notice, introduction, and passage of this Act are fulfilled  
11-6 and accomplished.

11-7 SECTION 4. This Act takes effect September 1, 2005.

11-8 \* \* \* \* \*