

By: Brown of Kaufman

H.B. No. 3556

Substitute the following for H.B. No. 3556:

By: Puente

C.S.H.B. No. 3556

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Las Lomas Municipal Utility District No. 4 of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8138 to read as follows:

CHAPTER 8138. LAS LOMAS MUNICIPAL UTILITY

DISTRICT NO. 4 OF KAUFMAN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8138.001. 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 Las Lomas Municipal Utility District No. 4 of Kaufman County.

Sec. 8138.002. NATURE OF DISTRICT. The district is a municipal utility district in Kaufman County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8138.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8138.023 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 Kaufman 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. 8138.004. 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; or

19 (3) the legality or operation of the board.

20 [Sections 8138.005-8138.020 reserved for expansion]

21 SUBCHAPTER A1. TEMPORARY PROVISIONS

22 Sec. 8138.021. TEMPORARY DIRECTORS. (a) The temporary
23 board consists of:

24 (1) Don Allard;

25 (2) Terry Durbin;

26 (3) Michael Higgins;

27 (4) Matthew McDonald; and

1 (5) Machelle Wilson.

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

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

9 (1) the date directors are elected under Section
10 8138.023; or

11 (2) the date this chapter expires under Section
12 8138.003.

13 Sec. 8138.022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 49.055, Water Code, the
16 temporary directors shall convene the organizational meeting of the
17 district at a location in the district agreeable to a majority of
18 the directors. If a location cannot be agreed upon, the
19 organizational meeting shall be at the Kaufman County Courthouse.

20 Sec. 8138.023. CONFIRMATION AND INITIAL DIRECTORS'
21 ELECTION. The temporary directors shall hold an election to
22 confirm the creation of the district and to elect five directors as
23 provided by Section 49.102, Water Code.

24 Sec. 8138.024. INITIAL ELECTED DIRECTORS; TERMS. The
25 directors elected under Section 8138.023 shall draw lots to
26 determine which two shall serve until the first regularly scheduled
27 election of directors under Section 8138.052 and which three shall

1 serve until the second regularly scheduled election of directors.

2 Sec. 8138.025. EXPIRATION OF SUBCHAPTER. This subchapter
3 expires September 1, 2010.

4 [Sections 8138.026-8138.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 8138.051. DIRECTORS; TERMS. (a) The district is
7 governed by a board of five directors.

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

9 Sec. 8138.052. ELECTION OF DIRECTORS. On the uniform
10 election date in May of each even-numbered year, the appropriate
11 number of directors shall be elected.

12 [Sections 8138.053-8138.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8138.101. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 8138.102. ROAD PROJECTS. (a) To the extent authorized
20 by Section 52, Article III, Texas Constitution, the district may
21 construct, acquire, improve, maintain, or operate macadamized,
22 graveled, or paved roads or turnpikes, or improvements in aid of
23 those roads or turnpikes, inside the district.

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

27 (c) The district may not undertake a road project unless

1 each municipality in whose corporate limits or extraterritorial
2 jurisdiction the district is located consents by ordinance or
3 resolution. If the district is located outside the
4 extraterritorial jurisdiction of a municipality, the district may
5 not undertake a road project unless each county in which the
6 district is located consents by ordinance or resolution.

7 Sec. 8138.103. CERTIFICATE OF CONVENIENCE AND NECESSITY.

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

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

19 Sec. 8138.104. CONTRACT WITH POLITICAL SUBDIVISION FOR
20 WATER OR SEWER SERVICES. (a) The district may enter into a
21 contract to allow a political subdivision to provide retail water
22 or sewer service in the district. The contract may contain terms
23 the board considers desirable, fair, and advantageous to the
24 district.

25 (b) The contract may provide that the district will
26 construct or acquire and convey to the political subdivision a
27 water supply or treatment system, a water distribution system, or a

1 sanitary sewage collection or treatment system as necessary to
2 provide water or sewer service in the district.

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

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

9 Sec. 8138.105. LIMITATION ON USE OF EMINENT DOMAIN. The
10 district may exercise the power of eminent domain outside the
11 district only to acquire an easement necessary for a pipeline that
12 serves the district.

13 [Sections 8138.106-8138.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8138.151. OPERATION AND MAINTENANCE TAX. (a) The
16 district may impose a tax for any district operation and
17 maintenance purpose in the manner provided by Section 49.107, Water
18 Code.

19 (b) Section 49.107(f), Water Code, does not apply to
20 reimbursements for projects constructed or acquired under Section
21 8138.102.

22 Sec. 8138.152. TAX TO REPAY BONDS. The district may impose
23 a tax to pay the principal of and interest on bonds issued under
24 Section 8138.201.

25 Sec. 8138.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
26 ASSESSMENTS. The district may not impose an impact fee or
27 assessment on the property, including the equipment,

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

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

4 (2) a gas utility as defined by Section 101.003 or
5 121.001, Utilities Code;

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

8 (4) a cable operator, as defined by 47 U.S.C. Section
9 522; or

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

12 [Sections 8138.154-8138.200 reserved for expansion]

13 SUBCHAPTER E. BONDS

14 Sec. 8138.201. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. (a) The district may issue bonds or other obligations
16 as provided by Chapters 49 and 54, Water Code, and to finance:

17 (1) the construction, maintenance, or operation of
18 projects under Section 8138.102;

19 (2) the district's efforts to obtain a new certificate
20 of convenience and necessity or to acquire certificate of
21 convenience and necessity rights under Section 8138.103; or

22 (3) the district's contractual obligations under
23 Section 8138.104.

24 (b) The district may not issue bonds to finance projects
25 authorized by Section 8138.102 unless the issuance is approved by a
26 vote of a two-thirds majority of the voters of the district voting
27 at an election called for that purpose.

1 (c) Bonds or other obligations issued or incurred to finance
2 projects authorized by Section 8138.102 may not exceed one-fourth
3 of the assessed value of the real property in the district.

4 (d) Sections 49.181 and 49.182, Water Code, do not apply to
5 a project undertaken by the district under Section 8138.102 or to
6 bonds issued by the district to finance the project.

7 [Sections 8138.202-8138.250 reserved for expansion]

8 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

9 Sec. 8138.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At
10 any time before the district issues indebtedness secured by taxes
11 or net revenues, the district, including any annexed territory, may
12 be divided into two or more new districts.

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

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

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

18 (2) a motion by the board.

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

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

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

26 Sec. 8138.252. ELECTION FOR DIVISION OF DISTRICT. (a)
27 After the board has complied with Section 8138.251(d), the board

1 shall hold an election in the district to determine whether the
2 district should be divided as proposed.

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

- 6 (1) the date and location of the election; and
7 (2) the proposition to be voted on.

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

- 10 (1) the district shall be divided; and
11 (2) not later than the 30th day after the date of the
12 election, the district shall provide written notice of the division
13 to:

14 (A) the Texas Commission on Environmental
15 Quality;

16 (B) the attorney general;

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

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

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

23 Sec. 8138.253. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
24 Not later than the 90th day after the date of an election in favor of
25 the division of the district, the board shall:

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

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

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

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

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

17 Sec. 8138.254. CONTINUING POWERS AND OBLIGATIONS OF NEW
18 DISTRICTS. (a) Each new district may incur and pay debts and has
19 all powers of the original district created by this chapter.

20 (b) If the district is divided as provided by this
21 subchapter, the current obligations and any bond authorizations of
22 the district are not impaired. Debts shall be paid by revenues or
23 by taxes or assessments imposed on real property in the district as
24 if the district had not been divided or by contributions from each
25 new district as stated in the terms set by the board under Section
26 8138.251(d).

27 (c) Any other district obligation shall be divided pro rata

1 among the new districts on an acreage basis or on other terms that
2 are satisfactory to the new districts.

3 Sec. 8138.255. CONTRACT AUTHORITY OF NEW DISTRICTS. The
4 new districts may contract with each other for:

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

8 SECTION 2. Las Lomas Municipal Utility District No. 4 of
9 Kaufman County initially includes all the territory contained in
10 the following described area:

11 TRACT 1

12 BEING a tract of land situated in the R. Mead Survey, Abstract
13 No. 316, and the W.M. Simpson Survey, Abstract No. 453, Kaufman
14 County, Texas, and being a part of the certain 442.406 acres tract
15 of land as conveyed from Michael H. McDowell et al to the McDowell
16 Clan Limited Company, recorded in Volume 1648, Page 39, of the Deed
17 Records of Kaufman County, Texas, and a part of that called Second
18 Tract of 147.4 acres, described in a deed from Thos. R. Bond to
19 Thomas H. Crofts, recorded in Volume 413, Page 314, of the Deed
20 Records of Kaufman County, Texas, and being more particularly
21 described as follows;

22 COMMENCING at the northeast corner of a 15.332 acre tract
23 conveyed to James E. Bates, as recorded in Volume 1172, Page 812,
24 said rod being a point on the southeast line of the (New) Interstate
25 Highway 20 (variable width right-of-way);

26 THENCE along the southeast line of the (New) Interstate Highway 20,
27 the following courses:

1 N61°26'00"E, 499.31 feet to a corner;
2 N56°10'06"E, 614.11 feet to a corner;
3 N52°28'55"E, 550.82 feet to a corner;
4 N55°36'15"E, 1800.00 feet to a corner;
5 N58°43'35"E, 550.82 feet to a corner;
6 N55°36'15"E, 333.17 feet to the POINT OF BEGINNING;
7 THENCE Northeasterly, continuing along the southeast line of said
8 (New) Interstate Highway 20, the following courses;
9 N55°36'15"E, 466.83 feet to a corner;
10 N53°58'03"E, 1050.43 feet to a corner;
11 N55°36'15"E, 754.45 feet to the beginning of a tangent curve to the
12 right;
13 THENCE Northeasterly, along a tangent curve to the right which has a
14 chord that bears N57°26'55"E for 355.95 feet, a central angle of
15 03°41'20" and a radius of 5529.58 feet, for an arc distance of 356.01
16 feet to the most northerly west corner of a tract of land as
17 described in a deed to Harry Wayne Everett, recorded in Volume 1148,
18 Page 696;
19 THENCE along the southwesterly line of said Everett tract, the
20 following courses;
21 S44°02'15"E, 1082.82 feet to a corner;
22 S43°59'37"E, 434.78 feet to a corner;
23 S44°44'00"W, 287.56 feet to the beginning of a curve to the right;
24 Southwesterly along the tangent curve to the right which has a chord
25 bearing S59°26'46"W, for 245.41 feet, a central angle of 29°34'01"
26 and a radius of 480.87 feet, for an arc distance of 248.15 feet to
27 the end of said curve;

1 S17°58'30"E, 138.44 feet to a corner;
2 S43°29'26"W, 460.56 feet to an ell corner;
3 S42°27'26"E, 3519.51 feet to the south corner of said Everett tract,
4 said corner also being the west corner of an 80.000 acre tract of
5 land called Huneycutt Family Trust;
6 THENCE S44°28'50"E, 1359.43 feet to a corner;
7 THENCE S44°00'52"E, 308.37 feet to an ell corner;
8 THENCE S46°09'05"W, 128.94 feet to the beginning of a non-tangent
9 curve to the right;
10 THENCE Northwesterly, along the non-tangent curve to the right
11 which has a chord that bears N65°53'02"W for 3456.34 feet, a central
12 angle of 38°12'38" and a radius of 5280.00 feet, for an arc distance
13 of 3521.23 feet to the end of said curve;
14 THENCE N46°46'43"W, 1780.63 feet to the beginning of a tangent curve
15 to the right;
16 THENCE Northwesterly, along the tangent curve to the right which
17 has a chord that bears N42°24'39"W for 804.26 feet, a central angle
18 of 08°44'09" and a radius of 5280.00 feet, for an arc distance of
19 805.04 feet to the end of said curve;
20 THENCE N44°06'01"W, 249.64 feet to a corner;
21 THENCE N37°55'56"W, 400.16 feet to a corner;
22 THENCE N45°47'07" W, 780.18 feet to the POINT OF BEGINNING and
23 containing 10,873,600 square feet or 249.623 acres of land, more or
24 less.

25 Tract 2

26 BEING a tract of land situated in the J. W. WARD SURVEY,
27 ABSTRACT NO. 596, and the W. M. SIMPSON SURVEY, ABSTRACT NO. 453, in

1 Kaufman County, Texas, and being all of a called 288.239 acre tract
2 of land described as Tract 1 in a deed to AP Terrell Limited
3 Partnership, recorded in Volume 2324, Page 267 of the Deed Records
4 of Kaufman County, Texas, and being more particularly described as
5 follows, the bearing being referenced to the AP Terrell Limited
6 Partnership Deed, and being more particularly described as follows:

7 BEGINNING at a point in the northerly right-of-way of I. H.
8 20, said point being the east corner of a called 20.575 acre tract
9 of land described as Tract 9 in a deed to AP Dupont Limited
10 Partnership, recorded in Volume 2504, Page 77 of said Deed Records,
11 and the south corner of said 288.239 acre tract;

12 THENCE North 44 degrees 27 minutes 14 seconds West, along the
13 northeast line of said 20.575 acre tract and the southwest line of
14 said 288.239 acre tract, a distance of 889.56 feet to a point in the
15 southeast line of a called 1012.488 acre tract described in a deed
16 to AP Dupont Limited Partnership and the west corner of said 288.239
17 acre tract and the north corner of said 20.575 acre tract;

18 THENCE North 45 degrees 38 minutes 40 seconds East, along the
19 southeast line of a said 1012.488 acre tract and the northwest line
20 of said 288.239 acre tract, a distance of 7660.98 feet for the north
21 corner of said 288.239 acre tract ;

22 THENCE South 44 degrees 24 minutes 55 seconds East, along the
23 southwest line of a tract of land described in deed to C. L.
24 Hamilton, Jr. recorded in Volume 528, Page 759 of the Deed Records,
25 Kaufman County, Texas, and the northeast line of said 288.239 acre
26 tract, a distance of 2008.20 feet;

27 THENCE South 46 degrees 14 minutes 17 seconds West, along the

1 southeasterly line of said 288.239 acre tract, a distance of 797.13
2 feet;
3 THENCE South 44 degrees 04 minutes 45 seconds East, a distance of
4 222.22 feet to a point in the northerly right-of-way of I. H. 20 for
5 the beginning of a non-tangent curve to the left;
6 THENCE Southwesterly, along the northerly right-of-way of I. H. 20
7 and along said non-tangent curve to the left which has a chord that
8 bears South 56 degrees 59 minutes 44 seconds West for 288.05 feet, a
9 central angle of 02 degrees 47 minutes 01 second and a radius of
10 5929.58 feet, for an arc distance of 288.08 feet to the end of said
11 curve;
12 THENCE South 55 degrees 36 minutes 15 seconds West, continuing
13 along the northerly right-of-way of I. H. 20, a distance of 904.46
14 feet;
15 THENCE South 57 degrees 53 minutes 41 seconds West, continuing
16 along the northerly right-of-way of I. H. 20, a distance of 750.60
17 feet
18 THENCE South 55 degrees 36 minutes 15 seconds West, continuing
19 along the northerly right-of-way of I. H. 20, a distance of 1150.00
20 feet;
21 THENCE South 50 degrees 42 minutes 18 seconds West, continuing
22 along the northerly right-of-way of I. H. 20, a distance of 351.28
23 feet;
24 THENCE South 55 degrees 44 minutes 05 seconds West, continuing
25 along the northerly right-of-way of I. H. 20, a distance of 2715.75
26 feet;
27 THENCE South 63 degrees 17 minutes 12 seconds West, continuing

1 along the northerly right-of-way of I. H. 20, a distance of 839.80
2 feet to the POINT OF BEGINNING and containing 288.239 acres of land,
3 more of less.

4 Tract 3

5 BEING a tract of land situated in the J. R. LEATH SURVEY,
6 ABSTRACT NO. 305, the W. C. MOODY SURVEY, ABSTRACT NO. 321, the
7 RICHARD MEAD SURVEY, ABSTRACT NO. 326, the LEWIS PEARCE SURVEY,
8 ABSTRACT NO. 373, the WILLIAM SIMPSON SURVEY, ABSTRACT NO. 453, the
9 J. W. WARD SURVEY, ABSTRACT NO. 596, and the T. A. WALDROP SURVEY,
10 ABSTRACT NO. 597 in Kaufman County, Texas, and being all of a called
11 1012.488 acre tract of land described as Tract 1 in a deed to AP
12 Dupont Limited Partnership recorded in Volume 2502, Page 77 of the
13 Deed Records of Kaufman County, Texas, part of a called 1406.504
14 acre tract of land described as Tract 2 in said deed, all of a called
15 57.77 acre tract of land described as Tract 5 in said deed, all of a
16 called 38.410 acre tract of land described as Tract 6A in said deed,
17 all of a called 46.324 acre tract of land described as Tract 6B in
18 said deed, all of a called 146.491 acre tract of land described a
19 Tract 6C in said deed, all of a called 418.350 acre tract of land
20 described as Tract 6D in said deed, all of a called 210.082 acre
21 tract of land described as Tract 7 in said deed, all of a called 3.09
22 acre tract of land described as Tract 8 in said deed, all of a called
23 20.575 acre tract of land described as Tract 9 in said deed, all of a
24 called 242.39 acre tract of land described as Tract 10 in said deed,
25 and all of a called 55.848 acre tract of land described as Tract 11
26 in said deed, all of a called 40.186 acre tract of land described in
27 a deed AP Dupont Limited Partnership recorded in Volume 2489, Page

1 481 of said Deed Records, all of a called 20.000 acre tract
2 described in a deed to the Texas Veterans Land Board recorded in
3 Volume 1070, Page 332 and in a Contract of Sale between the Texas
4 Veterans Land Board and Melvin Earl Duke recorded in Volume 1070,
5 Page 336 of said Deed Records, and all of a called 20.000 acre tract
6 of land described in a deed to Robert A. Brooks and Barbara M.
7 Brooks recorded in Volume 1277, Page 618 of said Deed Records, and
8 being more particularly described as follows:

9 BEGINNING at a 5/8-inch iron rod with cap marked "PETITT -
10 RPLS 4087" set in the southwest right-of-way line of Spur 557
11 (variable right-of-way) for the most easterly corner of said
12 1012.488 acre tract (Tract 1) and the northwest corner of a called
13 131.36 acre tract of land described as Tract V in a deed to 148/I-20
14 Terrell Partnership, Ltd., recorded in Volume 1939, Page 341 of
15 said Deed Records;

16 THENCE South 45 degrees 16 minutes 35 seconds West, along the
17 southeasterly boundary of said tract 1 and the northwest lines of
18 said Tract V and a called 120.00 acre tract of land described as
19 Tract IV in said deed to 148/I-20 Terrell Partnership, Ltd., a
20 distance of 2141.57 feet to a 5/8-inch iron rod with cap marked
21 "PETITT - RPLS 4087" set for the most westerly corner of said Tract
22 IV;

23 THENCE South 45 degrees 02 minutes 34 seconds East, along the
24 southwest line of said Tract IV, a distance of 99.72 feet to a
25 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for a
26 re-entrant corner in said Tract 1 and the north corner of a called
27 80.083 acre tract of land described in a deed to C. L. Hamilton,

1 Jr., recorded in Volume 528, Page 759 of said Deed Records;
2 THENCE South 45 degrees 05 minutes 40 seconds West, continuing
3 along the southeasterly boundary of said Tract 1 and along the
4 northwest line of said Hamilton tract, a distance of 1795.83 feet to
5 a 1/2-inch iron rod found in the northeast line of a called 288.239
6 acre tract of land described as Tract 1 in a deed to AP Terrell
7 Limited Partnership recorded in Volume 2324, page 267 of said Deed
8 Records for the west corner of said Hamilton tract and a re-entrant
9 corner of said Tract 1;
10 THENCE North 44 degrees 23 minutes 07 seconds West, continuing
11 along the southeasterly boundary of said Tract 1 and the northeast
12 line of said 288.239 acre tract, a distance of 99.93 feet to a
13 5/8-inch iron rod found for the most northerly corner of said
14 288.239 acre tract;
15 THENCE South 45 degrees 29 minutes 35 seconds West, along the common
16 line between said Tract 1 and said 288.239 acre tract, a distance of
17 6060.97 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS
18 4087" set for an angle point;
19 THENCE South 45 degrees 28 minutes 26 seconds West, continuing
20 along said common line, a distance of 1601.11 feet to a 5/8-inch
21 iron rod with cap marked "PETITT - RPLS 4087" set for the west
22 corner of said 288.239 acre tract and the north corner of said Tract
23 9;
24 THENCE South 44 degrees 25 minutes 44 seconds East, along the
25 northeast line of said Tract 9 and the southwest line of said
26 288.239 acre tract, a distance of 898.56 feet to a 5/8-inch iron rod
27 with cap marked "PETITT - RPLS 4087" set in the northerly

1 right-of-way of Interstate Highway 20 (variable right-of-way) for
2 the south corner of said 288.239 acre tract and the east corner of
3 said Tract 9;
4 THENCE along the northerly right-of-way of Interstate Highway 20
5 the following courses and distances:
6 South 63 degrees 04 minutes 03 seconds West, a distance of 631.14
7 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
8 for corner;
9 South 75 degrees 45 minutes 02 seconds West, a distance of 1122.84
10 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
11 for corner;
12 South 77 degrees 15 minutes 22 seconds West, a distance of 2160.34
13 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
14 for corner;
15 South 87 degrees 10 minutes 56 seconds West, a distance of 406.08
16 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
17 for corner;
18 South 77 degrees 15 minutes 22 seconds West, a distance of 1593.39
19 feet to a 5/8-inch iron rod found for the most southerly southwest
20 corner of said Tract 1;
21 THENCE North 44 degrees 55 minutes 22 seconds West, along the
22 southwest line of said Tract 1, a distance of 1236.59 feet to the
23 west corner thereof and the south corner of a called 226.262 acre
24 tract of land described in a deed to Stephen Edward Cummings and
25 wife Tamara Cannon Cummings recorded in Volume 1105, Page 405 of
26 said Deed Records;
27 THENCE North 44 degrees 40 minutes 05 seconds East, along the most

1 southerly northwest line of said Tract 1 and the southeast line of
2 said Cummings tract, a distance of 2494.90 feet to a point in the
3 approximate center of Big Brushy Creek;
4 THENCE along the approximate center of Big Brushy Creek the
5 following courses and distances
6 North 06 degrees 12 minutes 18 seconds West, a distance of 345.93
7 feet;
8 North 09 degrees 55 minutes 23 seconds West, a distance of 554.42
9 feet;
10 North 08 degrees 46 minutes 10 seconds West, a distance of 381.09
11 feet;
12 North 05 degrees 35 minutes 18 seconds East, a distance of 162.78
13 feet;
14 North 22 degrees 31 minutes 18 seconds West, a distance of 166.93
15 feet;
16 North 09 degrees 47 minutes 43 seconds West, a distance of 320.94
17 feet;
18 North 05 degrees 05 minutes 10 seconds West, a distance of 140.62
19 feet;
20 North 23 degrees 45 minutes 30 seconds East, a distance of 76.71
21 feet;
22 North 11 degrees 46 minutes 42 seconds West, a distance of 70.46
23 feet;
24 North 03 degrees 51 minutes 18 seconds West, a distance of 166.62
25 feet;
26 North 13 degrees 06 minutes 48 seconds West, a distance of 273.76
27 feet;

- 1 North 12 degrees 55 minutes 02 seconds East, a distance of 79.03
- 2 feet;
- 3 North 05 degrees 00 minutes 55 seconds West, a distance of 192.13
- 4 feet;
- 5 North 07 degrees 15 minutes 15 seconds East, a distance of 69.36
- 6 feet;
- 7 North 05 degrees 47 minutes 42 seconds West, a distance of 88.93
- 8 feet;
- 9 North 19 degrees 00 minutes 10 seconds East, a distance of 143.40
- 10 feet;
- 11 North 07 degrees 53 minutes 29 seconds East, a distance of 76.28
- 12 feet;
- 13 North 18 degrees 45 minutes 36 seconds East, a distance of 63.08
- 14 feet;
- 15 North 09 degrees 31 minutes 32 seconds East, a distance of 132.11
- 16 feet;
- 17 North 02 degrees 16 minutes 10 seconds West, a distance of 71.67
- 18 feet;
- 19 North 14 degrees 29 minutes 56 seconds West, a distance of 124.10
- 20 feet;
- 21 North 31 degrees 34 minutes 04 seconds West, a distance of 80.42
- 22 feet;
- 23 North 20 degrees 56 minutes 55 seconds West, a distance of 85.21
- 24 feet;
- 25 North 02 degrees 03 minutes 48 seconds East, a distance of 66.26
- 26 feet;
- 27 North 04 degrees 20 minutes 07 seconds West, a distance of 107.71

1 feet;
2 North 25 degrees 55 minutes 20 seconds West, a distance of 126.58
3 feet;
4 North 33 degrees 42 minutes 49 seconds West, a distance of 66.57
5 feet;
6 North 48 degrees 30 minutes 57 seconds West, a distance of 45.41
7 feet;
8 North 75 degrees 33 minutes 32 seconds West, a distance of 35.14
9 feet to the west corner of said Tract 4 and the north corner of said
10 Cummings tract, said point being in the southeasterly boundary of
11 said tract 2;
12 THENCE South 45 degrees 08 minutes 13 seconds West, along the
13 northwesterly boundary of said Cummings tract and the southeasterly
14 boundary of said Tract 2, a distance of 636.24 feet to a 5/8-inch
15 iron rod with cap marked "PETITT - RPLS 4087" set for corner;
16 THENCE South 25 degrees 51 minutes 12 seconds West, continuing
17 along the northwesterly boundary of said Cummings tract and the
18 southeasterly boundary of said Tract 2, a distance of 1632.88 feet
19 to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for
20 corner;
21 THENCE South 44 degrees 51 minutes 12 seconds West, continuing
22 along the northwesterly boundary of said Cummings tract and the
23 southeasterly boundary of said Tract 2, a distance of 864.04 feet to
24 the east corner of a called 10.0 acre tract of land described in a
25 deed to Floyd Darden and John Darden recorded in Volume 1033, Page
26 384 of said Deed Records;
27 THENCE North 00 degrees 51 minutes 17 seconds West, a distance of

1 10481.50 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS
2 4087" set in the south line of the Union Pacific Railway (100'
3 right-of-way) and in the north line of said Tract 2;
4 THENCE South 88 degrees 06 minutes 52 seconds East, along the north
5 line of said Tract 2 and the south line of the Railway, a distance of
6 8059.22 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS
7 4087" set for corner;
8 THENCE South 02 degrees 52 minutes 47 seconds West, a distance of
9 98.14 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS
10 4087" set for the northeast corner of said Tract 8;
11 THENCE South 10 degrees 52 minutes 20 seconds West, along the most
12 northerly east line of said Tract 8, a distance of 191.83 feet to a
13 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for
14 corner;
15 THENCE South 78 degrees 58 minutes 12 seconds East, a distance of
16 18.76 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS
17 4087" set in the approximate center of County Road 238 (undedicated
18 public road) and the west line of said Tract 6A;
19 THENCE North 09 degrees 34 minutes 14 seconds East, along the
20 approximate center of County Road 238 and the west line of said
21 Tract 6A, a distance of 194.23 feet to a 5/8-inch iron rod with cap
22 marked "PETITT - RPLS 4087" set for the northwest corner of said
23 Tract 6A;
24 THENCE South 88 degrees 13 minutes 07 seconds East, along the north
25 line of said Tract 6A, a distance of 439.54 feet to a concrete
26 monument found for the northeast corner of said Tract 6A and the
27 northwest corner of a 40.186 acre tract of land described in a deed

1 to AP Dupont Limited Partnership recorded in Volume 2489, Page 481
2 of said Deed Records;
3 THENCE along the southwesterly right-of-way of Spur 557 as follows:
4 South 62 degrees 14 minutes 39 seconds East, a distance of 239.63
5 feet to a concrete monument for corner;
6 South 56 degrees 59 minutes 45 seconds East, a distance of 398.38
7 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
8 for corner;
9 South 61 degrees 40 minutes 02 seconds East, a distance of 801.48
10 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
11 for corner;
12 South 58 degrees 29 minutes 39 seconds East, a distance of 1701.26
13 feet to a concrete monument found for corner;
14 South 60 degrees 45 minutes 58 seconds East, a distance of 399.56
15 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
16 for corner;
17 South 58 degrees 10 minutes 40 seconds East, a distance of 197.28
18 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
19 for corner;
20 South 58 degrees 08 minutes 34 seconds East, a distance of
21 1002.54 feet to a concrete monument found for corner;
22 South 54 degrees 48 minutes 28 seconds East, a distance of 901.01
23 feet to a concrete monument found at a cut-back corner for County
24 Road 305;
25 South 00 degrees 24 minutes 39 seconds East, along said cut-back, a
26 distance of 306.16 feet to a concrete monument found for corner;
27 South 48 degrees 51 minutes 21 seconds East, a distance of 139.01

1 feet to a concrete monument found for corner;
2 North 68 degrees 37 minutes 22 seconds East, along a cut-back iron
3 rod with cap marked "PETITT - RPLS 4087" set for corner;
4 South 62 degrees 55 minutes 42 seconds East, a distance of 908.33
5 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
6 for corner;
7 South 62 degrees 41 minutes 47 seconds East, a distance of 1218.13
8 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
9 for corner;
10 South 62 degrees 58 minutes 31 seconds East, a distance of 65.33
11 feet to the POINT OF BEGINNING and containing 3152.439 acres of
12 land, SAVE AND EXCEPT the following two (2) tracts of land:

13 SAVE AND EXCEPT TRACT 1

14 BEING a tract of land situated in the LEWIS PEARCE SURVEY,
15 ABSTRACT NO. 373, in Kaufman County, Texas, and being all of a
16 called 10.000 acre tract of land described in a deed to Robert A.
17 Kaus and wife Martha Lee Kaus recorded in Volume 1050, Page 120 of
18 the Deed Records of Kaufman County, Texas, and all of a called
19 30.000 acre tract described in a deed to Robert A. Kaus and wife
20 Martha Lee Kaus recorded in Volume 1050, Page 124 of said Deed
21 Records, and being more particularly described as follows:

22 BEGINNING at a 3/8-inch iron rod found in the approximate
23 center of County Road 238 (undedicated public road) for the north
24 corner of said 30.000 tract and the west corner of a called 46.324
25 acre tract of land described as Tract 6B in a deed to AP Dupont
26 Limited partnership recorded in Volume 2502, page 77 of said Deed
27 Records;

1 THENCE South 45 degrees 11 minutes 54 seconds East, along the
2 northeast line of said 30.000 acre tract and the southwest line of
3 said tract 6B, a distance of 3261.17 feet to a 3/8-inch iron rod
4 found for the east corner of said 30.000 acre tract and the south
5 corner of said Tract 6B, said point also being located in the
6 northwest line of a called 242.39 acre tract of land described as
7 Tract 10;

8 THENCE South 44 degrees 50 minutes 02 seconds West, along the
9 southeast lines of said 30.000 acre tract and said 10.000 acre
10 tract, and the northwest line of said Tract 10, a distance of 534.82
11 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
12 for the south corner of said 10.000 acre tract and the east corner
13 of a called 55.84 acre tract described as Tract 11 in said AP Dupont
14 deed;

15 THENCE North 45 degrees 11 minutes 25 seconds West, along the
16 southwest line of said 10.00 acre tract and the northeast line of
17 said Tract 11, a distance of 3262.61 feet to a 3/8-inch iron found
18 in the approximate center of County Road 238 for the west corner of
19 said 10.000 acre tract and the north corner of said Tract 11;

20 THENCE North 44 degrees 59 minutes 17 seconds East, along the
21 approximate center of County Road 238 and the northwest lines of
22 said 10.000 acre tract and said 30.000 acre tract; a distance of
23 534.37 feet to the POINT OF BEGINNING and containing 40.032 acres of
24 land, more or less.

25 SAVE AND EXCEPT TRACT 2

26 BEING a tract of land situated in the LEWIS PEARCE SURVEY,
27 ABSTRACT NO. 373, in Kaufman County, Texas, and being all of a

1 called 20.000 acre tract of land described in a deed to James Edgar
2 Crawford, Sr., and wife Earlena Faye Crawford recorded in Volume
3 1056, Page 531 of the Deed Records of Kaufman County, Texas, and all
4 of a called 20.000 acre tract described in a deed to the Texas
5 Veterans Land Board recorded in Volume 1070, Page 352 of said Deed
6 Records, and being more particularly described as follows:

7 BEGINNING at a 5/8-inch iron rod with cap marked "PETITT -
8 RPLS 4087" set in the approximate center of County Road 238
9 (undedicated public road) for the north corner of said Texas
10 Veterans Land Board tract and the west corner of a called 55.84 acre
11 tract of land described as Tract 11 in a deed to AP Dupont Limited
12 Partnership recorded in Volume 2502, Page 77 of said Deed Records;

13 THENCE South 45 degrees 13 minutes 34 seconds East, along the common
14 line between said Land Board tract and said Tract 11, a distance of
15 1291.85 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS
16 4087" set for the most northerly east corner of said Land Board
17 tract and a re-entrant corner in said Tract 11

18 THENCE South 00 degrees 11 minutes 46 seconds East, along the most
19 southerly west line of said Tract 11 and the east lines of said Land
20 Board tract and said Crawford tract, a distance of 1381.15 feet to a
21 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set for the
22 south corner of said Crawford tract and the most northerly east
23 corner of a called 418.609 acre tract of land described as Tract 6D
24 in said AP Dupont deed;

25 THENCE North 45 degrees 16 minutes 57 seconds West, along the
26 southwest line of said Crawford tract and the northeast line of said
27 Tract 6D, a distance of 2274.35 feet to a 5/8-inch iron rod with cap

1 marked "PETITT - RPLS 4087" set in the approximate center of County
2 Road 238 for the west corner of said Crawford tract and the north
3 corner of said tract 6D;
4 THENCE North 45 degrees 08 minutes 53 seconds East, along the
5 approximate center of County Road 238 and the northwest line said
6 Tract 6D, a distance of 979.39 feet to the POINT OF BEGINNING and
7 containing 40.057 acres of land, more or less, leaving a total area
8 of 3072.350 acres, more or less.

9 Tract 4

10 BEING a tract of land situated in the WILLIAM SIMPSON SURVEY,
11 ABSTRACT NO. 453, in Kaufman County, Texas, and being all of a
12 called 362.357 acre tract of land described as Tract 3 in a deed to
13 AP Dupont Limited Partnership recorded in Volume 2502, Page 77 of
14 the Deed Records of Kaufman County, Texas, said land containing a
15 portion of a called 76 acre tract of land described as Tract 4 in a
16 deed to Maher Properties One recorded in Volume 694, Page 167 of
17 said Deed Records, and being more particularly described as
18 follows:

19 BEGINNING at a 1/2-inch iron rod found in the center of F. M.
20 148 (80' right-of-way) for the east corner of said Tract 3;
21 THENCE South 45 degrees 32 minutes 14 seconds West, along the center
22 of F. M. 148 and the southeast line of said Tract 3, passing a
23 concrete monument found for the beginning of a curve to the left at
24 2741.39 feet, 38.24 feet right, a total distance of 3002.67 feet to
25 a 1/2-inch iron rod found for the easterly southeast corner of said
26 Tract 3;
27 THENCE South 83 degrees 54 minutes 51 seconds West, along the

1 southerly boundary of said Tract 3 and the northerly boundary of a
2 called 155 acre tract of land described as Tract 1 in a deed to Jerry
3 R. Sims and wife Margie Sims recorded in Volume 1124, Page 103 of
4 said Deed Records, a distance of 1129.08 feet to a 3/8-inch iron rod
5 found for corner;

6 THENCE North 79 degrees 01 minutes 39 seconds West, continuing
7 along the southerly boundary of said Tract 3 and the northerly
8 boundary of said 155 acre tract, a distance of 929.89 feet to a
9 1/2-inch iron rod found for corner;

10 THENCE North 79 degrees 03 minutes 39 seconds West, continuing
11 along the southerly line of said Tract 3 and the northerly line of
12 said 155 acre tract, distance of 360.00 feet to a 5/8-inch iron rod
13 with cap marked "PETITT - RPLS 4087" set for corner;

14 THENCE North 77 degrees 41 minutes 39 seconds West, continuing
15 along the southerly line of said Tract 3 and the northerly line of
16 said 155 acre tract, a distance of 205.00 feet to a 5/8-inch iron
17 rod with cap marked "PETITT - RPLS 4087" set for corner;

18 THENCE North 85 degrees 30 minutes 59 seconds West, continuing
19 along the southerly line of said Tract 3 and the northerly line of
20 said 155 acre tract, a distance of 289.63 feet to a point in the
21 approximate center of Big Brushy Creek;

22 THENCE along the approximate center of Big Brushy Creek the
23 following courses and distances:

24 North 23 degrees 14 minutes 25 seconds West, a distance of 54.89
25 feet;

26 North 04 degrees 05 minutes 31 seconds West, a distance of 216.07
27 feet;

- 1 South 51 degrees 10 minutes 14 seconds East, a distance of 171.26
- 2 feet;
- 3 North 41 degrees 26 minutes 55 seconds East, a distance of 167.67
- 4 feet;
- 5 North 76 degrees 53 minutes 55 seconds East, a distance of 118.88
- 6 feet;
- 7 North 25 degrees 24 minutes 54 seconds East, a distance of 196.89
- 8 feet;
- 9 North 49 degrees 32 minutes 49 seconds West, a distance of 195.65
- 10 feet;
- 11 North 18 degrees 50 minutes 34 seconds West, a distance of 237.39
- 12 feet;
- 13 North 23 degrees 34 minutes 39 seconds East, a distance of 165.47
- 14 feet;
- 15 North 03 degrees 20 minutes 51 seconds East, a distance of 101.63
- 16 feet;
- 17 North 40 degrees 18 minutes 31 seconds West, a distance of 172.48
- 18 feet;
- 19 North 17 degrees 35 minutes 08 seconds West, a distance of 97.88
- 20 feet;
- 21 North 08 degrees 29 minutes 33 seconds East, a distance of 76.51
- 22 feet;
- 23 North 13 degrees 52 minutes 15 seconds West, a distance of 69.50
- 24 feet;
- 25 North 21 degrees 42 minutes 00 seconds East, a distance of 69.26
- 26 feet;
- 27 North 21 degrees 26 minutes 22 seconds West, a distance of 146.39

1 feet;
2 North 00 degrees 08 minutes 09 seconds West, a distance of 158.73
3 feet;
4 North 09 degrees 54 minutes 29 seconds West, a distance of 77.56
5 feet to a point in the westerly boundary of said Tract 3, said point
6 also being located in the northwest line of said Maher tract and the
7 southeast line of a called 100 acre tract of land described as Tract
8 1 in a deed to Kenneth L. Cleaver and wife Cynthia L. Cleaver
9 recorded in Volume 1173, Page 351 of said Deed Records;
10 THENCE North 45 degrees 27 minutes 16 seconds East, along the
11 northwest line of Maher tract and the southeast line of said Cleaver
12 tract, a distance of 54.41 feet to a 5/8-inch iron rod with cap
13 marked "PETITT - RPLS 4087" set for corner;
14 THENCE North 44 degrees 51 minutes 27 seconds West, along the
15 southwest line of said Tract 3 and the northeast line of said
16 Cleaver 100 acre tract and the northeast line of the remainder of a
17 called 117.93 acre tract described as Tract 2 in said Cleaver deed,
18 a distance of 1535.89 feet to a 5/8-inch iron rod with cap marked
19 "PETITT - RPLS 4087" set in the southerly right-of-way line of I. H.
20 20 (variable right-of-way) for the west corner of said Tract 3;
21 THENCE along the southerly right-of-way of I. H. 20 the following
22 courses and distances:
23 North 77 degrees 15 minutes 22 seconds East, a distance of 1291.15
24 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
25 for corner;
26 North 68 degrees 43 minutes 31 seconds East, a distance of 404.48
27 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set

1 for corner;
2 North 77 degrees 15 minutes 22 seconds East, a distance of 2377.18
3 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS 4087" set
4 for the north corner of said Tract 3;
5 THENCE South 44 degrees 39 minutes 40 seconds East, along the
6 northeast line of said Tract 3 and the southwest line of a called
7 26.796 acre tract of land described in a deed to Milowe Jungjohann
8 and wife Janice Jungjohann recorded in Volume 764, Page 444 and the
9 southwest line of a called 23.017 acre tract described in a deed to
10 Milowe Eugene Jungjohann recorded in Volume 729, Page 680, a
11 distance of 2908.97 feet to the POINT OF BEGINNING and containing
12 362.394 acres of land, more or less, 2.780 acres of which are within
13 the right-of-way of F. M. 148, leaving an area of 359.614 acres of
14 land, more or less.

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

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

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