

1-1 By: Deuell S.B. No. 515
1-2 (In the Senate - Filed February 15, 2005; February 28, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 12, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 12, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 515 By: Deuell

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

1-10 relating to the creation of the Sunrise Municipal Utility District
1-11 of Hunt County; 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 8107 to read as follows:

1-16 CHAPTER 8107. SUNRISE MUNICIPAL UTILITY DISTRICT OF HUNT COUNTY

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8107.001. 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 Sunrise Municipal Utility
1-23 District of Hunt County.

1-24 Sec. 8107.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district in Hunt 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. 8107.003. CONFIRMATION ELECTION REQUIRED. If the
1-30 creation of the district is not confirmed at a confirmation
1-31 election held under Section 8107.023 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 Hunt 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. 8107.004. 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; or

1-51 (3) the legality or operation of the board.

1-52 Sec. 8107.005. APPLICABILITY OF OTHER LAW. Except as
1-53 otherwise provided by this chapter, all applicable laws, including
1-54 the following laws, apply to the district:

1-55 (1) Chapters 49 and 54, Water Code; and

1-56 (2) general laws applicable to road districts created
1-57 under Section 52, Article III, Texas Constitution, to the extent
1-58 those provisions can apply to the district.

1-59 [Sections 8107.006-8107.020 reserved for expansion]

1-60 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-61 Sec. 8107.021. TEMPORARY DIRECTORS. (a) The temporary
1-62 board consists of:

1-63 (1) Eugene Bragg Smith III;

- 2-1 (2) Christopher M. Cook;
- 2-2 (3) Roger Lee Andres;
- 2-3 (4) Joseph John Radecki; and
- 2-4 (5) David Ian Rouble.

2-5 (b) If a temporary director fails to qualify for office, the
 2-6 temporary directors who have qualified shall appoint a person to
 2-7 fill the vacancy. If at any time there are fewer than three
 2-8 qualified temporary directors, the Texas Commission on
 2-9 Environmental Quality shall appoint the necessary number of persons
 2-10 to fill all vacancies on the board.

2-11 (c) Temporary directors serve until the earlier of:
 2-12 (1) the date directors are elected under Section
 2-13 8107.023; or
 2-14 (2) the date this chapter expires under Section
 2-15 8107.003.

2-16 Sec. 8107.022. 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 convene the organizational meeting of the
 2-20 district at a location in the district agreeable to a majority of
 2-21 the directors. If a location cannot be agreed upon, the
 2-22 organizational meeting shall be at the Hunt County Courthouse.

2-23 Sec. 8107.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-24 ELECTION. The temporary directors shall hold an election to
 2-25 confirm the creation of the district and to elect five directors as
 2-26 provided by Section 49.102, Water Code.

2-27 Sec. 8107.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-28 directors elected under Section 8107.023 shall draw lots to
 2-29 determine which two shall serve until the first regularly scheduled
 2-30 election of directors under Section 8107.052 and which three shall
 2-31 serve until the second regularly scheduled election of directors.

2-32 Sec. 8107.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-33 expires September 1, 2010.

2-34 [Sections 8107.026-8107.050 reserved for expansion]

2-35 SUBCHAPTER B. BOARD OF DIRECTORS

2-36 Sec. 8107.051. DIRECTORS; TERMS. (a) The district is
 2-37 governed by a board of five directors.

2-38 (b) Directors serve staggered four-year terms.

2-39 Sec. 8107.052. ELECTION OF DIRECTORS. On the uniform
 2-40 election date in May of each even-numbered year, the appropriate
 2-41 number of directors shall be elected.

2-42 [Sections 8107.053-8107.100 reserved for expansion]

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 8107.101. ROAD PROJECTS. (a) The district may
 2-45 construct, acquire, improve, maintain, or operate macadamized,
 2-46 graveled, paved, or concreted streets or roads, or improvements in
 2-47 aid of those streets or roads, including bridges, inside or outside
 2-48 the district.

2-49 (b) The improvements may include drainage or landscaping
 2-50 improvements, lights, signs, signals, sidewalks, or hiking or
 2-51 biking trails that are incidental to the roads and their
 2-52 construction, maintenance, or operation.

2-53 (c) A project authorized by this section must meet only the
 2-54 construction standards adopted by the North Central Texas Council
 2-55 of Governments, or its successor agency.

2-56 (d) The district may, following approval of a construction
 2-57 contract by the board, reimburse expenditures without obtaining
 2-58 approval from the county.

2-59 (e) For purposes of this chapter, a project under Section
 2-60 49.222, Water Code, includes a road project.

2-61 Sec. 8107.102. ROAD CONTRACTS. The district may contract
 2-62 for a road project in the same manner as a road district, except
 2-63 that competitive bidding for a contract is governed by Subchapter
 2-64 I, Chapter 49, Water Code.

2-65 Sec. 8107.103. WATER CONTROL AND STORAGE PROJECTS.
 2-66 (a) The district may construct, acquire, improve, enlarge,
 2-67 extend, repair, or maintain dams, levees, walls, dikes,
 2-68 embankments, canals, reservoirs, lakes, or other improvements as
 2-69 necessary to control, store, or preserve water in the district for

3-1 any useful purpose.
3-2 (b) The district may overflow and inundate public lands and
3-3 other public property in the district.

3-4 (c) A project authorized by this section is subject to all
3-5 applicable permitting and regulatory requirements.

3-6 Sec. 8107.104. CERTIFICATE OF CONVENIENCE AND NECESSITY.

3-7 (a) The district may pay out of bond proceeds or other available
3-8 district money all expenses, including legal, engineering, and
3-9 other fees, related to obtaining a new certificate of convenience
3-10 and necessity under Chapter 13, Water Code, authorizing the
3-11 district to provide retail water or sewer service inside or outside
3-12 the district.

3-13 (b) The district may pay out of bond proceeds or other
3-14 available district money all expenses, including the purchase
3-15 price, related to acquiring certificate of convenience and
3-16 necessity rights from another retail public utility to allow the
3-17 district to provide retail water or sewer service in the district.

3-18 Sec. 8107.105. CONTRACT WITH POLITICAL SUBDIVISION FOR
3-19 WATER OR SEWER SERVICES. (a) The district may enter into a

3-20 contract to allow a political subdivision to provide retail water
3-21 or sewer service in the district. The contract may contain terms
3-22 the board considers desirable, fair, and advantageous to the
3-23 district.

3-24 (b) The contract may provide that the district will
3-25 construct or acquire and convey to the political subdivision a
3-26 water supply or treatment system, a water distribution system, or a
3-27 sanitary sewage collection or treatment system, as necessary to
3-28 provide water or sewer service in the district.

3-29 (c) The district may use bond proceeds or other available
3-30 district money to pay for its obligations and for services and
3-31 facilities provided under the contract.

3-32 (d) If the contract requires the district to make payments
3-33 from taxes other than operation and maintenance taxes, the contract
3-34 is subject to Section 49.108, Water Code.

3-35 [Sections 8107.106-8107.150 reserved for expansion]

3-36 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-37 Sec. 8107.151. OPERATION AND MAINTENANCE TAX. (a) The
3-38 district may impose a tax for any district operation and
3-39 maintenance purpose in the manner provided by Section 49.107, Water
3-40 Code.

3-41 (b) Section 49.107(f), Water Code, does not apply to
3-42 reimbursements for projects constructed or acquired under Section
3-43 8107.101.

3-44 Sec. 8107.152. TAX TO REPAY BONDS. The district may impose
3-45 a tax to pay the principal of and interest on bonds issued under
3-46 Section 8107.201.

3-47 Sec. 8107.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
3-48 ASSESSMENTS. The district may not impose an impact fee or
3-49 assessment on the property, including the equipment,
3-50 rights-of-way, facilities, or improvements, of:

3-51 (1) an electric utility or a power generation company
3-52 as defined by Section 31.002, Utilities Code;

3-53 (2) a gas utility as defined by Section 101.003 or
3-54 121.001, Utilities Code;

3-55 (3) a telecommunications provider as defined by
3-56 Section 51.002, Utilities Code;

3-57 (4) a cable operator, as defined by 47 U.S.C. Section
3-58 522; or

3-59 (5) a person who provides to the public advanced
3-60 telecommunications services.

3-61 [Sections 8107.154-8107.200 reserved for expansion]

3-62 SUBCHAPTER E. BONDS

3-63 Sec. 8107.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-64 OBLIGATIONS. (a) The district may issue bonds or other
3-65 obligations as provided by Chapters 49 and 54, Water Code, and to
3-66 finance:

3-67 (1) the construction, maintenance, or operation of
3-68 projects under Sections 8107.101 and 8107.103; or

3-69 (2) the district's contractual obligations under

4-1 Section 8107.105.

4-2 (b) The district may not issue bonds or other obligations
 4-3 secured wholly or partly by ad valorem taxation to finance projects
 4-4 authorized by Section 8107.101 unless the issuance is approved by a
 4-5 vote of a two-thirds majority of the voters of the district voting
 4-6 at an election called for that purpose.

4-7 (c) Bonds or other obligations issued or incurred to finance
 4-8 projects authorized by Section 8107.101 may not exceed one-fourth
 4-9 of the assessed value of the real property in the district.

4-10 (d) Sections 49.181 and 49.182, Water Code, do not apply to
 4-11 a project undertaken by the district under Section 8107.101 or to
 4-12 bonds issued by the district to finance the project.

4-13 [Sections 8107.202-8107.250 reserved for expansion]

4-14 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

4-15 Sec. 8107.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At
 4-16 any time before the district issues indebtedness secured by taxes
 4-17 or net revenues, the district, including any annexed territory, may
 4-18 be divided into two or more new districts.

4-19 (b) A new district created by division of the district must
 4-20 be at least 100 acres.

4-21 (c) The board may consider a proposal to divide the district
 4-22 on:

4-23 (1) a petition of a landowner in the district; or

4-24 (2) a motion by the board.

4-25 (d) If the board decides to divide the district, the board
 4-26 shall:

4-27 (1) set the terms of the division, including names for
 4-28 the new districts and a plan for the payment or performance of any
 4-29 outstanding district obligations; and

4-30 (2) prepare a metes and bounds description for each
 4-31 proposed district.

4-32 Sec. 8107.252. ELECTION FOR DIVISION OF DISTRICT.

4-33 (a) After the board has complied with Section 8107.251(d), the
 4-34 board shall hold an election in the district to determine whether
 4-35 the district should be divided as proposed.

4-36 (b) The board shall give notice of the election not later
 4-37 than the 20th day before the date of the election. The notice must
 4-38 state:

4-39 (1) the date and location of the election; and

4-40 (2) the proposition to be voted on.

4-41 (c) If a majority of the votes cast are in favor of the
 4-42 division:

4-43 (1) the district shall be divided; and

4-44 (2) not later than the 30th day after the date of the
 4-45 election, the district shall provide written notice of the division
 4-46 to:

4-47 (A) the Texas Commission on Environmental
 4-48 Quality;

4-49 (B) the attorney general;

4-50 (C) the commissioners court of each county in
 4-51 which a new district is located; and

4-52 (D) any municipality having extraterritorial
 4-53 jurisdiction over territory in each new district.

4-54 (d) If a majority of the votes cast are not in favor of the
 4-55 division, the district may not be divided.

4-56 Sec. 8107.253. ELECTION OF DIRECTORS OF NEW DISTRICTS.

4-57 (a) Not later than the 90th day after the date of an election in
 4-58 favor of the division of the district, the board shall:

4-59 (1) appoint itself as the board of one of the new
 4-60 districts; and

4-61 (2) appoint five directors for each of the other new
 4-62 districts.

4-63 (b) Directors appointed under Subsection (a)(1) serve the
 4-64 staggered terms to which they were elected in the original
 4-65 district. Directors appointed under Subsection (a)(2) serve until
 4-66 the election for directors under Subsection (c).

4-67 (c) On the uniform election date in May of the first
 4-68 even-numbered year after the year in which the directors are
 4-69 appointed, an election shall be held to elect five directors in each

5-1 district for which directors were appointed under Subsection
 5-2 (a)(2). The directors shall draw lots to determine which two shall
 5-3 serve two-year terms and which three shall serve four-year terms.

5-4 (d) Except as provided by Subsection (c), directors serve
 5-5 staggered four-year terms. On the uniform election date in May of
 5-6 each even-numbered year, the appropriate number of directors shall
 5-7 be elected.

5-8 Sec. 8107.254. CONTINUING POWERS AND OBLIGATIONS OF NEW
 5-9 DISTRICTS. (a) Each new district may incur and pay debts and has
 5-10 all powers of the original district created by this chapter.

5-11 (b) If the district is divided as provided by this
 5-12 subchapter, the current obligations and any bond authorizations of
 5-13 the district are not impaired. Debts shall be paid by revenues or
 5-14 by taxes or assessments imposed on real property in the district as
 5-15 if the district had not been divided or by contributions from each
 5-16 new district as stated in the terms set by the board under Section
 5-17 8107.251(d).

5-18 (c) Any other district obligation shall be divided pro rata
 5-19 among the new districts on an acreage basis or on other terms that
 5-20 are satisfactory to the new districts.

5-21 Sec. 8107.255. CONTRACT AUTHORITY OF NEW DISTRICTS. The new
 5-22 districts may contract with each other for:

5-23 (1) water and wastewater services; or

5-24 (2) any other matter the boards of the new districts
 5-25 consider appropriate.

5-26 SECTION 2. The Sunrise Municipal Utility District of Hunt
 5-27 County initially includes all the territory contained in the
 5-28 following described area:

5-29 Being a 1317.28 acre tract of land situated in the J.C. Newell
 5-30 Survey, Abstract number 794, W.L. Burton Survey, Abstract number
 5-31 52, John Montgomery Survey, Abstract number 701, Jas. A. Jones
 5-32 Survey, Abstract number 545, J.M. Rush Survey, Abstract number 894,
 5-33 and the J. McAdams Survey, Abstract number 652, County of Hunt and
 5-34 being a portion of a called 1,592.369 acre tract of land as
 5-35 described in deed to JRC/Quinlan Ranch LTD. As recorded in Volume
 5-36 438, Page 356 of the Deed Records of Hunt County, Texas, said
 5-37 1,425.22 acre tract being more particularly described as follows:

5-38 BEGINNING at a point in the north line of a called 1592.369 acre
 5-39 tract of land as described in deed to JRC/Quinlan Ranch, Ltd. as
 5-40 recorded in Volume 438, Page 356 of said Deed Records, and in the
 5-41 south right of way line of State Highway 276 (a variable width
 5-42 right-of-way), said point being the northeast corner of this tract;
 5-43 THENCE South 00°23'07" East, leaving north line of said JCR/Quinlan
 5-44 Ranch tract and south right of way line of said State Highway 276, a
 5-45 distance of 4968.81 feet to a point for corner in the north line of a
 5-46 called 72.5 acre tract of land as described in deed to Renshaw
 5-47 Revocable Living Trust as recorded in Volume 317, Page 807 of said
 5-48 Deed Records, from which a 3/4" found iron pipe bears North
 5-49 89°36'53" West, a distance of 845.21 feet;

5-50 THENCE South 89°36'53" West, along the north line of said called
 5-51 72.5 acre tract, a distance of 688.12 feet to a 3/4 inch iron pipe
 5-52 found for the northwest corner of said called 72.5 acre tract;

5-53 THENCE South 00°23'07" East, along the west line of said called 72.5
 5-54 acre tract, a distance of 2057.78 feet to a 5/8 inch iron rod set
 5-55 with yellow plastic cap stamped "COTTON SURVEYING" for the
 5-56 southwest corner of said called 72.5 acre tract and being in the
 5-57 north line of a called 36.63 acre tract of land as described in deed
 5-58 to Szabo as recorded in Volume 194, Page 55 of said Deed Records,
 5-59 said iron rod also being in the approximate centerline of said
 5-60 County Road 2300 and having a 3/8 inch iron pipe which bears North
 5-61 10°02'50" West, a distance of 21.03 feet;

5-62 THENCE South 89°20'30" West, along the north line of called 36.63
 5-63 acre tract of land and the approximate centerline of said County
 5-64 Road 2300, a distance of 369.89 feet to a 1/2 inch iron rod found for
 5-65 the northwest corner of said called 36.63 acre tract and the
 5-66 northeast corner of a called 29.992 acre tract of land as described
 5-67 in deed to Clounts as recorded in Volume 194, Page 58 of said Deed
 5-68 Records;

5-69 THENCE South 89°36'46" West, along the north line of said called

6-1 29.992 acre tract, passing the northwest corner of said called
6-2 29.992 acre tract and the northeast corner of a called 11.927 acre
6-3 tract of land as described in deed to Szabo as recorded in Volume
6-4 194, Page 53 of said Deed Records, in all a total distance of
6-5 2036.12 feet to a fence corner post found for the northwest corner
6-6 of said called 11.927 acre tract;
6-7 THENCE South 01°27'54" West, along the west line of said called
6-8 29.992 acre tract, passing a 5/8 inch iron rod found at a distance
6-9 of 832.00 feet, in all a total distance of 858.86 feet to a 5/8 inch
6-10 iron rod found for the southwest corner of said called 11.927 acre
6-11 tract, and being in the north line of a called 12.627 acre tract of
6-12 land as described in deed to Kirby as recorded in Volume 477, Page
6-13 337 of said Deed Records and being in the approximate centerline of
6-14 said County Road 2300;
6-15 THENCE North 89°45'20" West, along the north line of said called
6-16 12.627 acre tract and along the approximate centerline of said
6-17 County Road 2300, passing the northwest corner of said called
6-18 12.627 acre tract and the northeast corner of a called 24.5 acre
6-19 tract of land as described in deed to Parks as recorded in Volume
6-20 957, Page 221 of said Deed Records, in all a total distance of
6-21 909.16 feet to a 5/8 inch iron rod set with yellow plastic cap
6-22 stamped "COTTON SURVEYING" for the northwest corner of said called
6-23 24.5 acre tract and the northeast corner of a called 6.4194 acre
6-24 tract of land as described in deed to Dewey as recorded in Volume
6-25 378, Page 315 of said Deed Records;
6-26 THENCE North 87°56'19" West, along the north line of said called
6-27 6.4194 acre tract, a distance of 615.35 feet to a 5/8 inch iron rod
6-28 set with yellow plastic cap stamped "COTTON SURVEYING" for the
6-29 northwest corner of said called 6.4194 acre tract and the northeast
6-30 corner of a called 270.921 acre tract of land as described in deed
6-31 to Young as recorded in Volume 692, Page 50 of said Deed Records;
6-32 THENCE South 89°11'14" West, along the north line of said called
6-33 270.921 acre tract, a distance of 2905.80 feet to a 3/8 inch iron
6-34 rod found for the northwest corner of said called 270.921 acre tract
6-35 and being in the east line of Lot 19 of Whispering Oaks Subdivision,
6-36 Phase I, an addition to Hunt County, Texas, according to the map or
6-37 plat thereof recorded in Cabinet C, Slide 304 of the Hunt County
6-38 Plat Records;
6-39 THENCE North 00°03'37" West, along the east line of said Lot 19, a
6-40 distance of 504.00 feet to a 5/8 inch iron rod set with yellow
6-41 plastic cap stamped "COTTON SURVEYING" for the northeast corner of
6-42 said Lot 19, said iron rod being North 83°34'30" East, a distance of
6-43 55.79 feet from a 1/2 inch iron rod found;
6-44 THENCE North 89°18'29" West, along the north line of said Lot 19,
6-45 passing the northwest corner of said Lot 19 and the northernmost
6-46 northeast corner of Lot 20 of said Phase I, a distance of 1460.68
6-47 feet to a 3/4 inch iron pipe found for the southeast corner of a
6-48 called 80.37 acre tract of land as described in deed to Harry
6-49 Epperson and Joan Epperson, Trustees as recorded in Volume 144,
6-50 Page 646 of said Deed Records, said pipe also being North 89°53'43"
6-51 East, a distance of 111.37 feet from a 5/8 inch iron rod found for
6-52 the northwest corner of said Lot 20;
6-53 THENCE North 00°03'47" East, along the east line of said called
6-54 80.37 acre tract, a distance of 2568.29 feet to a 1/2 inch iron rod
6-55 found for the northeast corner of said called 80.37 acre tract and
6-56 the southeast corner of a called 78.67 acre tract of land as
6-57 described in deed to JRC/Quinlan Ranch LTD. (Exhibit A-2) as
6-58 recorded in Volume 438, Page 363 of said Deed Records, said iron rod
6-59 also being the southwest corner of a called 150 acre tract of land
6-60 as described in deed to Lost Creek Outfitters, L.L.C. as recorded in
6-61 Volume 697, Page 007 of said Deed Records;
6-62 THENCE South 89°53'53" West, along the north line of said called
6-63 80.37 acre tract, a distance of 1278.56 feet to a 5/8 inch iron rod
6-64 set with yellow plastic cap stamped "COTTON SURVEYING" in the
6-65 approximate centerline of County Road 2400, and being in the west
6-66 line of a called 20.00 acre tract of land as described in deed to
6-67 Grant as recorded in Volume 120, Page 936 of said Deed Records, said
6-68 iron rod also being North 00°04'26" East, a distance of 2568.36 feet
6-69 from a 1 inch iron pipe found for the southwest corner of said

7-1 called 80.37 acre tract;

7-2 THENCE along the approximate centerline of said County Road 2400

7-3 the following calls:

7-4 North 01°45'38" West, passing an ell corner of a called 46.631

7-5 acres tract of land as described in deed to Grant as recorded in

7-6 Volume 1110, Page 696 of said Deed Records, the southwest corner of

7-7 a called 12.0 acre tract of land as described in deed to Grant as

7-8 recorded in Volume 912, Page 411 of said Deed Records, the Northeast

7-9 corner of said called 12.0 acre tract, in all a total distance of

7-10 2364.71 feet to a 5/8 inch iron rod set with yellow plastic cap

7-11 stamped "COTTON SURVEYING";

7-12 North 18°21'42" East, a distance of 190.00 feet to a 5/8 inch

7-13 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" in

7-14 the south line of a remainder portion of a called 102.67 acre tract

7-15 of land as described in deed to S.A. Hales as recorded in Volume

7-16 515, Page 597 of said Deed Records;

7-17 THENCE South 89°24'55" East, along the south line of said remainder

7-18 tract, passing the southeast corner of said remainder tract and the

7-19 southwest corner of a called 20 acre tract of land as described in

7-20 deed to Hunt as recorded in Volume 775, Page 498 of said Deed

7-21 records, in all a total distance of 896.43 feet to a 1/2 inch iron

7-22 rod found for the southeast corner of said called 20 acre tract and

7-23 the southwest corner of a called 6.253 acre tract of land as

7-24 described in deed to Hunt as recorded in Volume 775, Page 501 of

7-25 said Deed Records;

7-26 THENCE South 89°01'59" East, along the south line of said called

7-27 6.253 acre tract, a distance of 132.22 feet to a 3/8 inch iron rod

7-28 found for the southeast corner of said called 6.253 acre tract and

7-29 the southwest corner of a called 8.13 acre tract of land as

7-30 described in deed to Lawdermilk as recorded in Volume 732, Page 842

7-31 of said Deed Records;

7-32 THENCE South 89°31'01" East, along the south line of said called

7-33 8.13 acre tract, a distance of 172.49 feet to a 1/2 inch iron rod

7-34 found for the southeast corner of said called 8.13 acre tract and

7-35 the southwest corner of a called 8.13 acre tract of land as

7-36 described in deed to Cleek as recorded in Volume 732, Page 848 of

7-37 said Deed Records;

7-38 THENCE North 89°31'17" East, along the south line of said Cleek

7-39 tract, a distance of 172.39 feet to a 5/8 inch iron rod set with

7-40 yellow plastic cap stamped "COTTON SURVEYING" for the northeast

7-41 corner of said called 78.67 acre tract and being South 89°31'17"

7-42 West, a distance of 79.31 feet from a 1/2 inch iron rod found for the

7-43 southeast corner of said Cleek tract, said iron rod set also being

7-44 the northwest corner of aforesaid 150 acre tract;

7-45 THENCE North 87°56'10" East, along the south line of said called

7-46 25.644 acre tract, a distance of 559.96 feet to a 5/8 inch iron rod

7-47 set with yellow plastic cap stamped for the southeast corner of said

7-48 called 25.644 acre tract;

7-49 THENCE along the east line of said called 25.644 acre tract the

7-50 following calls:

7-51 North 00°53'33" East, a distance of 357.26 feet to a 5/8 inch

7-52 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";

7-53 North 04°55'29" East, a distance of 221.30 feet to a 1/2 inch

7-54 iron rod found;

7-55 North 23°05'27" West, a distance of 87.08 feet to a 1/2 inch

7-56 iron rod found

7-57 North 41°44'02" West, a distance of 22.35 feet to a 1/2 inch

7-58 iron rod found;

7-59 North 08°07'35" East, a distance of 283.65 feet to a 3/4 inch

7-60 iron rod found for the northernmost northwest corner of said called

7-61 150 acre tract and the southwest corner of lot 1 of Hyde park

7-62 estates, an addition to Hunt County, Texas, according to the map or

7-63 plat thereof recorded in cabinet c, slide 206 of the plat records of

7-64 Hunt County, Texas;

7-65 THENCE South 85°52'29" East, along the south line of lots 1,2,3, and

7-66 4 of said Hyde Park estates, a distance of 748.10 feet to a 3/4 inch

7-67 iron pipe found;

7-68 THENCE South 89°57'36" East, continuing along the south line of said

7-69 lot 4, a distance of 13.59 feet to a 5/8 inch iron rod set with

8-1 yellow plastic cap stamped "COTTON SURVEYING" for the northwest
8-2 corner Nolan Estates as recorded in volume 686, page 64 and 67 of
8-3 said deed records;
8-4 THENCE South 00°41'58" West, along the west line of said Nolan
8-5 Estates, passing a 3/8" iron rod found at a distance of 830.80 feet
8-6 the southwest corner of said Nolan Estates and the northwest corner
8-7 of a tract of land as described in deed to Donald Roden as recorded
8-8 in volume 922, page 007 of said deed records, in all a total
8-9 distance of 1356.03 feet to a 3/4 inch iron rod found for the
8-10 southwest corner of said Roden tract;
8-11 THENCE North 89°55'02" East, along the south line of said Roden
8-12 tract, passing a 1/2 inch iron rod found at a distance of 2650.20
8-13 feet the occupied west line of county road 2316, in all a total
8-14 distance of 2670.14 feet to a 5/8 inch iron rod set with yellow
8-15 plastic cap stamped "COTTON SURVEYING" for the southeast corner of
8-16 said Roden tract and being in the approximate centerline of said
8-17 county road;
8-18 THENCE North 00°30'47" East, along the approximate centerline of
8-19 said county road, a distance of 750.00 feet to a point;
8-20 THENCE North 11°41'35" East, along the approximate centerline of
8-21 said county road, a distance of 401.26 feet to a point;
8-22 THENCE South 76°10'08" East, along the approximate centerline of
8-23 said county road, a distance of 664.61 feet to a point;
8-24 THENCE North 20°54'45" East, along the approximate centerline of
8-25 said county road, a distance of a distance of 1071.29 feet to a 5/8
8-26 inch iron rod set with yellow plastic cap stamped "COTTON
8-27 SURVEYING" for the southwest corner of a called 8.964 acre tract of
8-28 land as described in deed to Sullivan as recorded in volume 545,
8-29 page 398 of said deed records;
8-30 THENCE North 85°30'54" East, along the south line of said called
8-31 8.964 acre tract, passing a 3/4 inch iron pipe found at a distance
8-32 of 29.58 feet the occupied southeast line of said county road 2316,
8-33 in all a total distance of 855.00 feet to a 3/4 inch iron pipe found
8-34 for the southeast corner of said called 8.964 acre tract;
8-35 THENCE North 01°46'11" East, along the east line of said called
8-36 8.964 acre tract, passing the northeast corner of said called 8.964
8-37 acre tract and the southeast corner of the remainder portion of a
8-38 called 14.33 acre tract of land as described in deed to Hart as
8-39 recorded in Volume 232, Page 11 of said deed records, in all a total
8-40 distance of 693.18 feet to a 5/8 inch iron rod set with yellow
8-41 plastic cap stamped "COTTON SURVEYING" for the southwest corner of
8-42 parcel 103, Texas Department of Transportation C.S.J. Number
8-43 1017-03-022;
8-44 THENCE along the south line of said Texas Department of
8-45 Transportation C.S.J. number 1017-03-022 tract and being the along
8-46 south right-of-way line of State Highway 276 the following calls:
8-47 South 89°58'25" East a distance of 963.35 feet to a found
8-48 Texas Department of Transportation monument;
8-49 South 70°41'00" East a distance of 105.95 feet to a found
8-50 Texas Department of Transportation monument;
8-51 South 89°58'25" East a distance of 200.00 feet to a found
8-52 Texas Department of Transportation monument;
8-53 North 70°44'07" East a distance of 75.68 feet to a found Texas
8-54 Department of Transportation monument;
8-55 South 89°58'25" East a distance of 1178.57 feet to a 5/8 inch
8-56 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";
8-57 South 78°39'51" East a distance of 50.99 feet to a 5/8 inch
8-58 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";
8-59 South 89°58'25" East a distance of 200.00 feet to a 5/8 inch
8-60 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";
8-61 North 78°42'58" East a distance of 50.99 feet to a 5/8 inch
8-62 iron rod set with yellow plastic cap stamped "COTTON SURVEYING";
8-63 South 89°58'25" East a distance of 83.05 feet to the PLACE OF
8-64 BEGINNING and containing 57,380,710.2 square feet or 1317.28 acres
8-65 more or less and being subject to any and all easements that may
8-66 affect.
8-67 SAVE & EXCEPT THE FOLLOWING TWO TRACTS:
8-68 SAVE & EXCEPT TRACT 1
8-69 Being a 10.671 acre tract of land situated in the W.L. Burton

9-1 Survey, Abstract number 52, County of Hunt and being all of a called
9-2 10.721 acre tract of land as described in deed to JRC/Quinlan Ranch
9-3 LTD. as Tract 2 Save and Except (1) as recorded in Volume 438, Page
9-4 356 of the Deed Records of Hunt County, Texas, said 10.671 acre
9-5 tract being more particularly described as follows:
9-6 COMMENCING at a 3/8 inch iron rod found for the southernmost
9-7 southwest corner of a called 1,592.369 acre tract of land as
9-8 described in deed to JRC/Quinlan Ranch LTD. As recorded in Volume
9-9 438, Page 356 of said Deed Records, the northwest corner of a called
9-10 270.921 acre tract of land as described in deed to Young as recorded
9-11 in Volume 692, Page 50 of said Deed Records and being in the east
9-12 line of Lot 19 of Whispering Oaks Subdivision, Phase I, an addition
9-13 to Hunt County, Texas, according to the map or plat thereof recorded
9-14 in Cabinet C, Slide 304 of the Hunt County Plat Records, THENCE
9-15 North 89°11'14" East, along the north line of said called 270.921
9-16 acre tract, a distance of 2656.70 feet;
9-17 THENCE over and across said called 1,592.369 acre tract the
9-18 following calls:
9-19 North 00°48'46" West, a distance of 977.37 feet to a 5/8 inch
9-20 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for
9-21 the PLACE OF BEGINNING, same being the southeast corner of said
9-22 called 10.721 acre tract;
9-23 South 89°17'34" West, along the south line of said called
9-24 10.721 acre tract, a distance of 981.25 feet to a 5/8 inch iron rod
9-25 found for the southwest corner of said called 10.721 acre tract;
9-26 North 03°33'56" East, along the west line of said called
9-27 10.721 acre tract, a distance of 485.98 feet to a 5/8" iron rod
9-28 found for the northwest corner of said called 10.721 acre tract;
9-29 North 89°34'24" East, along the north line of said called
9-30 10.721 acre tract, passing a 5/8 inch iron rod found at a distance
9-31 of 938.57 feet the occupied west line of County Road 2316, in all a
9-32 total distance of 946.00 feet to a 5/8 inch iron rod set with yellow
9-33 plastic cap stamped "COTTON SURVEYING" for the northeast corner of
9-34 said called 10.721 acre tract;
9-35 South 00°35'40" East, along the approximate centerline of
9-36 said County Road 2316 and the east line of said called 10.721 acre
9-37 tract, a distance of 480.00 feet to the PLACE OF BEGINNING and
9-38 containing 464,811 square feet, 10.671 acres more or less and being
9-39 subject to any and all easements that may affect.
9-40 SAVE & EXCEPT TRACT 2
9-41 Being a 1.002 acre tract of land situated in the W.L. Burton Survey,
9-42 Abstract number 52, County of Hunt and being all of a called 1.0
9-43 acre tract of land as described in deed to JRC/Quinlan Ranch LTD. as
9-44 Tract 2 Save and Except (2) as recorded in Volume 438, Page 356 of
9-45 the Deed Records of Hunt County, Texas, said 1.0002 acre tract being
9-46 more particularly described as follows:
9-47 COMMENCING at a 3/8 inch iron rod found for the southernmost
9-48 southwest corner of a called 1,592.369 acre tract of land as
9-49 described in deed to JRC/Quinlan Ranch LTD. As recorded in Volume
9-50 438, Page 356 of said Deed Records, the northwest corner of a called
9-51 270.921 acre tract of land as described in deed to Young as recorded
9-52 in Volume 692, Page 50 of said Deed Records and being in the east
9-53 line of Lot 19 of Whispering Oaks Subdivision, Phase I, an addition
9-54 to Hunt County, Texas, according to the map or plat thereof recorded
9-55 in Cabinet C, Slide 304 of the Hunt County Plat Records;
9-56 THENCE North 89°11'14" East, along the north line of said called
9-57 270.921 acre tract, a distance of 2656.70 feet;
9-58 THENCE over and across said called 1,592.369 acre tract the
9-59 following calls:
9-60 North 00°48'46" West, a distance of 977.37 feet to a 5/8 inch
9-61 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for
9-62 the southeast corner of A called 10.721 acre tract as described in
9-63 deed to JRC/Quinlan Ranch LTD. As Tract 2 Save and Except (1) as
9-64 recorded in Volume 438, Page 356 of said Deed Records;
9-65 North 00°35'40" West, along the east line of said called
9-66 10.721 acre tract, a distance of 480.00 feet to a 5/8 inch iron rod
9-67 set with yellow plastic cap stamped "COTTON SURVEYING" for the
9-68 northeast corner of said called 10.721 acre tract;
9-69 North 03°01'02" West, a distance of 196.11 feet to a 5/8 inch

10-1 iron rod set with yellow plastic cap stamped "COTTON SURVEYING" for
10-2 the PLACE OF BEGINNING, same being the southeast corner of said
10-3 called 1.0 acre tract;

10-4 South 89°39'34" West, along the south line of said called 1.0
10-5 acre tract, a distance of 291.13 feet to a 3/8 inch iron rod found
10-6 for the southwest corner of said called 1.0 acre tract;

10-7 North 01°43'43" West, along the west line of said called 1.0
10-8 acre tract, a distance of 150.00 feet to a found nail for the
10-9 northwest corner of said called 1.0 acre tract;

10-10 North 89°39'34" East, along the north line of said called 1.0
10-11 acre tract, a distance of 291.13 feet to a 1 inch pipe found for the
10-12 northeast corner of said called 1.0 acre tract;

10-13 South 01°43'43" East, along the east line of said called 1.0
10-14 acre tract, a distance of 150.00 feet to the PLACE OF BEGINNING and
10-15 containing 43,656 square feet, 1.002 acres more or less and being
10-16 subject to any and all easements that may affect.

10-17 Total area described equals 1,317.28 acres, less the save and
10-18 except tract 1 containing an area of 10.671 acres and the save and
10-19 except tract 2 containing an area of 1.002 acres, for a total
10-20 district area of 1305.607 acres of land more or less.

10-21 SECTION 3. (a) The legal notice of the intention to
10-22 introduce this Act, setting forth the general substance of this
10-23 Act, has been published as provided by law, and the notice and a
10-24 copy of this Act have been furnished to all persons, agencies,
10-25 officials, or entities to which they are required to be furnished
10-26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10-27 Government Code.

10-28 (b) The governor, one of the required recipients, has
10-29 submitted the notice and Act to the Texas Commission on
10-30 Environmental Quality.

10-31 (c) The Texas Commission on Environmental Quality has filed
10-32 its recommendations relating to this Act with the governor, the
10-33 lieutenant governor, and the speaker of the house of
10-34 representatives within the required time.

10-35 (d) All requirements of the constitution and laws of this
10-36 state and the rules and procedures of the legislature with respect
10-37 to the notice, introduction, and passage of this Act are fulfilled
10-38 and accomplished.

10-39 SECTION 4. This Act takes effect immediately if it receives
10-40 a vote of two-thirds of all the members elected to each house, as
10-41 provided by Section 39, Article III, Texas Constitution. If this
10-42 Act does not receive the vote necessary for immediate effect, this
10-43 Act takes effect September 1, 2005.

10-44 * * * * *