

By: Parker

H.B. No. 3182

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Tradition Municipal Utility District No. 2 of Denton County; providing authority to impose a tax and issue bonds; granting a limited 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 8189 to read as follows:

CHAPTER 8189. TRADITION MUNICIPAL UTILITY DISTRICT

NO. 2 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8189.001. DEFINITIONS. In this chapter:

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

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

(3) "District" means the Tradition Municipal Utility District No. 2 of Denton County.

Sec. 8189.002. NATURE OF DISTRICT. The district is a municipal utility district in Denton County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8189.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8189.024 before September 1, 2011:

(1) the district is dissolved September 1, 2011,

1 except that:

2 (A) any debts incurred shall be paid;

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

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

8 (2) this chapter expires September 1, 2014.

9 Sec. 8189.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

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

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

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

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

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

23 [Sections 8189.005-8189.020 reserved for expansion]

24 SUBCHAPTER A1. TEMPORARY PROVISIONS

25 Sec. 8189.021. TEMPORARY DIRECTORS. (a) On or after
26 September 1, 2007, a person who owns land in the district may submit
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the commission appoint as temporary directors the
2 five persons named in the petition.

3 (b) The commission shall appoint as temporary directors the
4 five persons named in the first petition received by the commission
5 under Subsection (a).

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

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

9 (1) the date directors are elected under Section
10 8189.024; or

11 (2) the date this subchapter expires under Section
12 8189.026.

13 Sec. 8189.022. 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 meet at a location in the district
17 agreeable to a majority of the directors. At the meeting, the
18 temporary directors shall elect officers from among the temporary
19 directors and conduct any other district business.

20 Sec. 8189.023. CONSENT OF MUNICIPALITY REQUIRED. The
21 temporary directors may not hold an election under Section 8189.024
22 until each municipality in whose extraterritorial jurisdiction the
23 district is located has adopted a resolution after September 1,
24 2007, reconfirming its consent to the creation of the district.

25 Sec. 8189.024. CONFIRMATION AND INITIAL DIRECTORS'
26 ELECTION. The temporary directors shall hold an election to
27 confirm the creation of the district and to elect five directors as

1 provided by Section 49.102, Water Code.

2 Sec. 8189.025. INITIAL ELECTED DIRECTORS; TERMS. The
3 directors elected under Section 8189.024 shall draw lots to
4 determine which two shall serve until the first regularly scheduled
5 election of directors under Section 8189.052 and which three shall
6 serve until the second regularly scheduled election of directors.

7 Sec. 8189.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2014.

9 [Sections 8189.027-8189.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8189.051. DIRECTORS; TERMS. (a) The district is
12 governed by a board of five directors.

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

14 Sec. 8189.052. ELECTION OF DIRECTORS. On the uniform
15 election date in May of each even-numbered year, the appropriate
16 number of directors shall be elected.

17 [Sections 8189.053-8189.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8189.101. MUNICIPAL UTILITY DISTRICT POWERS AND
20 DUTIES. The district has the powers and duties provided by the
21 general law of this state, including Chapters 49 and 54, Water Code,
22 applicable to municipal utility districts created under Section 59,
23 Article XVI, Texas Constitution.

24 Sec. 8189.102. ROAD PROJECTS. (a) To the extent authorized
25 by Section 52, Article III, Texas Constitution, the district may
26 construct, acquire, improve, maintain, or operate macadamized,
27 graveled, or paved roads, or improvements in aid of those roads,

1 inside the district.

2 (b) A road project must meet or exceed all applicable
3 construction standards, zoning and subdivision requirements, and
4 regulatory ordinances of each municipality in whose corporate
5 limits or extraterritorial jurisdiction the district is located.

6 (c) The district may not undertake a road project unless
7 each municipality in whose corporate limits or extraterritorial
8 jurisdiction the district is located consents by ordinance or
9 resolution.

10 Sec. 8189.103. DIVISION OF DISTRICT; REQUIREMENTS. (a)
11 The district may be divided into two or more new districts only if
12 the district:

13 (1) has no outstanding bonded debt; and

14 (2) is not imposing ad valorem taxes.

15 (b) 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 (c) 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;

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

26 (3) send written notice containing the information
27 required by Subdivisions (1) and (2) to each county and

1 municipality in whose extraterritorial jurisdiction the district
2 is located.

3 (d) Any new district created by the division of the district
4 may not, at the time the new district is created:

5 (1) contain any land outside the area described by
6 Section 2 of the Act creating this chapter; or

7 (2) consist of fewer than 300 acres or more than 500
8 acres, without obtaining prior consent from the City Council of the
9 City of Fort Worth.

10 (e) The City Council of the City of Fort Worth may refuse to
11 issue a building permit or refuse to commence water service for an
12 area located in the district until the area is in a new district
13 that has been created by the division of the district in accordance
14 with this section.

15 Sec. 8189.104. ELECTION FOR DIVISION OF DISTRICT. (a) Not
16 sooner than the 30th day after the date on which the board has
17 complied with Section 8189.103(c), the board shall hold an election
18 in the district to determine whether the district should be divided
19 as proposed.

20 (b) The board shall give notice of the election not later
21 than the 35th day before the date of the election. The notice must
22 state:

23 (1) the date and location of the election; and

24 (2) the proposition to be voted on.

25 (c) If a majority of the votes cast are in favor of the
26 division:

27 (1) the district is divided; and

1 (2) not later than the 30th day after the date of the
2 election, the district shall provide written notice of the division
3 to:

4 (A) the Texas Commission on Environmental
5 Quality;

6 (B) the attorney general;

7 (C) the Commissioners Court of Denton County; and

8 (D) any municipality having extraterritorial
9 jurisdiction over territory in each new district.

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

12 Sec. 8189.105. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
13 Not later than the 90th day after the date of an election in favor of
14 the division of the district, the board shall:

15 (1) appoint itself as the board of one of the new
16 districts; and

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

19 (b) Directors appointed under Subsection (a)(1) serve the
20 staggered terms to which they were elected in the original
21 district. Directors appointed under Subsection (a)(2) serve until
22 the election for directors under Subsection (c).

23 (c) On the uniform election date in May of the first
24 even-numbered year after the year in which the directors are
25 appointed, the appointed board shall hold an election to elect five
26 directors in each district for which directors were appointed under
27 Subsection (a)(2). The directors shall draw lots to determine

1 which two shall serve until the next regularly scheduled election
2 of directors and which three shall serve until the second regularly
3 scheduled election of directors.

4 Sec. 8189.106. CONTINUING POWERS AND OBLIGATIONS OF NEW
5 DISTRICTS. (a) Each new district may incur and pay debts and has
6 all powers of the original district created by this chapter,
7 including the power to divide into two or more districts.

8 (b) If the district is divided as provided by this
9 subchapter, the current obligations and any bond authorizations of
10 the district are not impaired. Debts shall be paid by revenue or by
11 taxes or assessments imposed on real property in the district as if
12 the district had not been divided or by contributions from each new
13 district as stated in the terms set by the board under Section
14 8189.103(c).

15 (c) Any other district obligation is divided pro rata among
16 the new districts on an acreage basis or on other terms that are
17 satisfactory to the new districts.

18 Sec. 8189.107. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
19 RESOLUTIONS. The original district and any new district created by
20 the division of the district shall comply with all applicable
21 requirements of any ordinance or resolution adopted by the City
22 Council of the City of Fort Worth that consents to the creation of
23 the district.

24 Sec. 8189.108. PAYMENT OF IMPACT FEES. (a) A municipality
25 that provides water or wastewater service to a new development
26 located in the district or in a district created under this
27 subchapter may impose impact fees as provided by Chapter 395, Local

1 Government Code.

2 (b) Notwithstanding the provisions of Chapter 395, Local
3 Government Code, regarding the time and method of payment of impact
4 fees, the fees may be paid by the district, a district created under
5 this subchapter, the landowner, or the developer under an agreement
6 with the municipality.

7 Sec. 8189.109. LIMIT ON EMINENT DOMAIN POWER. The district
8 may exercise the power of eminent domain outside the district only
9 to acquire an easement necessary for pipeline, storm water, or
10 drainage facilities that serve the district.

11 [Sections 8189.110-8189.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 8189.151. TAX TO REPAY BONDS. The district may impose
14 a tax to pay the principal of or interest on bonds issued under
15 Section 8189.201.

16 [Sections 8189.152-8189.200 reserved for expansion]

17 SUBCHAPTER E. BONDS

18 Sec. 8189.201. AUTHORITY TO ISSUE BONDS AND OTHER
19 OBLIGATIONS. (a) The district may issue bonds or other obligations
20 as provided by Chapters 49 and 54, Water Code, to finance the
21 construction, maintenance, or operation of projects under Sections
22 8189.101 and 8189.102.

23 (b) The district may not issue bonds to finance projects
24 authorized by Section 8189.102 unless the issuance is approved by a
25 vote of a two-thirds majority of the voters of the district voting
26 at an election called for that purpose.

27 (c) Bonds or other obligations issued or incurred to finance

1 projects authorized by Section 8189.102 may not exceed one-fourth
2 of the assessed value of the real property in the district.

3 SECTION 2. The Tradition Municipal Utility District No. 2
4 of Denton County initially includes all the territory contained in
5 the following area:

6 BEING a 1,922.737 acre tract of land in the G. Cardinas Survey,
7 Abstract No. 214, the James Chesier Survey, Abstract No. 225, the
8 W.D. Reed Survey, Abstract No. 1125, the W.C. Brookfield Survey,
9 Abstract No. 34, and the W.A. Ferris Survey, Abstract No. 419
10 situated in Denton County, Texas and being a combination of a
11 portion of those tracts conveyed to Aperion Communities, L.L.L.P.
12 (Aperion Tract One-A and Aperion Tract One-B), by deed recorded
13 under County Clerk's File No. 2004-11913 of the Real Property
14 Records of Denton County, Texas (RPRDCT), that tract conveyed to
15 Nancy Talley Reynolds, et al, by deed recorded in Volume 2301, Page
16 223 RPRDCT, a portion of that tract conveyed to Aperion
17 Communities, L.L.L.P. by deed recorded under County Clerk's File
18 No. 2003-190652 RPRDCT (Aperion Tract Two), that tract conveyed to
19 Rocksand Investments, LLLP by deed recorded in Instrument Number
20 2005-30851 RPRDCT and those tracts recorded in Volume 5128, Page
21 3102 and Volume 5119, Page 715, RPRDCT and being more particularly
22 described as follows:

23 TRACT ONE

24 COMMENCING at a capped 5/8" iron pin found, said iron pin also being
25 on the north right-of-way line of State Highway No. 114, said iron
26 pin also being on the west line of said Alliance 161 Investments
27 tract, said iron pin also being on the east line of a tract conveyed

1 to Betty Marie McIntyre, et al, by deed recorded in Volume 2906,
2 Page 363 RPRDCT; THENCE
3 N 00°32'36" W along the west line of said Alliance 161 Investments
4 tract and the east line of said McIntyre, et al, tract recorded in
5 Volume 2906, Page 363 RPRDCT, a distance of 3701.24 feet to a 3/8"
6 iron pin found; THENCE N 89°39'59" E along the north line of said
7 Alliance 161 Investments tract and the east line of said McIntyre,
8 et al, tract recorded in Volume 2906, Page 363 RPRDCT, a distance of
9 1826.89 feet to a 1/2" iron pin found, said iron pin also being on
10 the west line of said Aperion Tract One-A; THENCE N 00°22'44" W
11 along the east line of said McIntyre, et al, tract recorded in
12 Volume 2906, Page 363 RPRDCT, and the west line of said Aperion
13 Tract One-A, a distance of 1294.80 feet to a capped 1/2" iron pin
14 set, said capped iron pin set also being on the west line of said
15 Nancy Reynolds Talley, et al tract, said iron pin also being the
16 POINT OF BEGINNING of the herein described tract;
17 THENCE N 00°22'44" W along the east line of said McIntyre, et al,
18 tract recorded in Volume 2906, Page 363 RPRDCT, and the west line of
19 said Aperion Tract One-A, a distance of 102.53 feet to a capped 1/2"
20 iron pin set
21 THENCE N 57°46'29" W along the east line of said McIntyre, et al,
22 tract recorded in Volume 2906, Page 363 RPRDCT, the east line of a
23 tract conveyed to Peggy Jeannine Eaton and Betty Marie McIntyre by
24 deed recorded under County Clerk's File No. 2003-203215 and the
25 west line of said Nancy Reynolds Talley, et al tract, a distance of
26 253.45 feet to a 1/2" iron pin found;
27 THENCE N 00°21'32" E along the east line of said Peggy Jeannine Eaton

1 and Betty Marie McIntyre tract and the west line of said Nancy
2 Reynolds Talley, et al tract, a distance of 1364.27 feet to a
3 railroad spike found, said railroad spike also being on a west line
4 of said Aperion Tract One-A, said railroad spike also being in Sam
5 Reynolds Road;

6 THENCE N 00°12'20" W along the east line of said Peggy Jeannine Eaton
7 and Betty Marie McIntyre tract and the west line of said Aperion
8 Tract One-A and in Sam Reynolds Road, a distance of 2791.88 feet to
9 a railroad spike found;

10 THENCE S 89°52'16" W along the north line of said Peggy Jeannine
11 Eaton and Betty Marie McIntyre tract and the west line of said
12 Aperion Tract One-A and in Sam Reynolds Road, a distance of 1909.29
13 feet to a 5/8" iron pin found, said iron pin also being on the east
14 line of Indian Trails Phase 1, an addition to Denton County, Texas
15 as recorded in Cabinet G, Page 311 of the Plat Records of Denton
16 County, Texas (PRDCT);

17 THENCE N 00°09'15" W along the west line of said Aperion Tract One-A,
18 the east line of said Indian Trails Phase 1, the east line of a tract
19 conveyed to Avondale Ranch by deed recorded in Volume 5289, Page
20 4253 RPRDCT and in Sam Reynolds Road, a distance of 1437.47 feet to
21 a 60d nail in asphalt found, said 60d nail also being the southwest
22 corner of a tract conveyed to Milton High by deed recorded in Volume
23 501, Page 248 RPRDCT;

24 THENCE N 76°15'28" E along the west line of said Aperion Tract One-A
25 and the south line of said High tract, a distance of 381.87 feet to a
26 1/2" iron pin found;

27 THENCE N 00°18'58" W along the west line of said Aperion Tract One-A

1 and the east line of said High tract, a distance of 307.76 feet to a
2 1/2" iron pin found;
3 THENCE S 89°55'09" W along the west line of said Aperion Tract One-A
4 and the north line of said High tract, a distance of 370.41 feet to a
5 60d nail found, said 60d nail also being on the east line of said
6 Avondale Ranch tract and in Sam Reynolds Road;
7 THENCE N 00°12'09" W along the west line of said Aperion Tract One-A,
8 the east line of said Avondale Ranch tract, the east line of a tract
9 conveyed to W.E. Wilkerson by deed recorded in Volume 960, Page 35
10 RPRDCT, the east line of a tract conveyed to Edward Zelnik, et ux
11 Janet by deed recorded in Volume 4062, Page 1905 RPRDCT, the east
12 line of a tract conveyed to J. Lloyd Barksdale, et ux Dorthy by deed
13 recorded in Volume 829, Page 271 RPRDCT, the east line of a tract
14 conveyed to J. Lloyd Barksdale, et ux Dorthy by deed recorded in
15 Volume 829, Page 275 RPRDCT, the east line of a tract conveyed to
16 Gary Lynn Barksdale, et ux Toni Gayle by deed recorded in Volume
17 1545, Page 427 RPRDCT, the east line of a tract conveyed to Bobby J.
18 Henry by deed recorded in Volume 5028, Page 3683 RPRDCT, and in Sam
19 Reynolds Road, a distance of 3495.34 feet to a railroad spike found,
20 said railroad spike also being on the south line of a tract conveyed
21 to Margaret DiNapoli, et al, by deed recorded in Volume 4522, Page
22 2063 RPRDCT;
23 THENCE S 89°57'51" E along the west line of said Aperion Tract One-A
24 and the south line of said Margaret DiNapoli, et al tract, a
25 distance of 509.83 feet to a 5/8" iron pin found, said iron pin also
26 being on the west line of a tract conveyed to Archie Eddleman by
27 deed recorded in Volume 2322, Page 824 RPRDCT;

1 THENCE S 00°14'31" E along the west line of said Aperion Tract One-A
2 and the west line of said Eddleman tract, a distance of 226.43 feet
3 to a 1/2" iron pin found;

4 THENCE N 89°05'10" E along the west line of said Aperion Tract One-A
5 and the south line of said Eddleman tract, a distance of 870.61 feet
6 to a 5/8" iron pin found, said iron pin also being the southwest
7 corner of a tract conveyed to Ricky Iverson by deed recorded in
8 Volume 4718, Page 362 RPRDCT;

9 THENCE N 88°48'54" E along the west line of said Aperion Tract One-A
10 and the south line of said Iverson tract and the south line of a
11 tract conveyed to Carol Theis by deed recorded in Volume 1038, Page
12 887 RPRDCT, a distance of 1598.77 feet to a 1/2" iron pin found;

13 THENCE N 00°24'54" W along the west line of said Aperion Tract One-A
14 and the east line of said Theis tract and the east line of a tract
15 conveyed to S.R. Harper by deed recorded in Volume 1726, Page 31
16 RPRDCT, a distance of 907.14 feet to a 1/2" iron pin found, said
17 iron pin also being the southeast corner of a tract conveyed to Roy
18 Chastain by Contract of Sale recorded under County Clerk's File No.
19 97-R0021328 RPRDCT;

20 THENCE N 00°43'24" W along the west line of said Aperion Tract One-A
21 and the east line of said Chastain tract, a distance of 423.43 feet
22 to a 1/2" iron pin found, said iron pin also being the southeast
23 corner of said Aperion Tract Two;

24 THENCE S 88°53'01" W along the south line of said Aperion Tract Two
25 and the north line of said Chastain tract, a distance of 1193.21
26 feet to a capped 1/2" iron pin found, said iron pin also being on the
27 east line of a tract conveyed to Wayne Harris by deed recorded in

1 Volume 976, Page 42 RPRDCT;
2 THENCE N 00°35'15" W along the west line of said Aperion Tract Two
3 and the east line of said Harris tract, the east line of a tract
4 conveyed to John McCurry by deed recorded in Volume 971, Page 697
5 RPRDCT, the east line of a tract conveyed to Samuel Haynes by deed
6 recorded in Volume 962, Page 43 RPRDCT, and the east line of a tract
7 conveyed to Howell Choate by deed recorded in Volume 924, Page 921
8 RPRDCT, a distance of 2336.13 feet to a 1/2" iron pin found, said
9 iron pin also being the southwest corner of a tract conveyed to The
10 Pennington Family Trust by deed recorded in Volume 4833, Page 525
11 RPRDCT;
12 THENCE S 88°03'05" E along the north line of said Aperion Tract Two
13 and the south line of said Pennington Family Trust tract recorded in
14 Volume 4833, Page 525 RPRDCT, a distance of 977.84 feet to a capped
15 1/2" iron pin previously set, said iron pin also being on the north
16 line of Aperion Tract One-A;
17 THENCE N 00°33'20" W, departing the south line of said Pennington
18 Family Trust tract and the north line of said Aperion Tract One-A, a
19 distance of 723.83 feet to a capped 1/2" iron pin previously set,
20 said iron pin also being on the south right-of-way line of F.M. 407
21 (90' R.O.W.);
22 THENCE N 89°26'40" E, along the south right-of-way line of said F.M.
23 407 and along the north line of said Pennington Family Trust tract,
24 a distance of 170.00 feet to a capped 1/2" iron pin previously set;
25 THENCE S 00°33'20" E, departing the south right-of-way line of said
26 F.M. 407 and the north line of said Pennington Family Trust tract, a
27 distance of 731.26 feet to a capped 1/2" iron pin previously set,

1 said iron pin also being on the south line of said Pennington Family
2 Trust tract and the north line of Aperion Tract One-A;
3 THENCE S 88°03'05" E along the north line of said Aperion Tract One-A
4 and the south line of said Pennington Family Trust tract, a distance
5 of 42.05 feet to a 1/2" iron pin found, said iron pin also being on
6 the north line of Aperion Tract One-A;
7 THENCE N 89°00'24" E along the north line of said Aperion Tract
8 One-A, the south line of said Pennington Family Trust tract
9 recorded in Volume 4833, Page 525 RPRDCT and the south line of a
10 tract conveyed to The Pennington Family Trust by deed recorded in
11 Volume 4833, Page 521 RPRDCT, a distance of 1146.79 feet to a 1/2"
12 iron pin found, said iron pin also being on the southerly
13 right-of-way line of Farm-to-Market Road No. 407 (F.M. 407) (90'
14 ROW);
15 THENCE S 50°10'01" E along the north line of said Aperion Tract One-A
16 and the southerly right-of-way line of F.M. 407, a distance of
17 682.19 feet to a capped 1/2" iron pin set, said iron pin also being
18 the Point of Curvature of a circular curve to the left having a
19 radius of 617.96 feet, a central angle of 39°44'46" and being
20 subtended by a chord which bears S 70°02'24" E , 420.13 feet;
21 THENCE along said curve to the left and the north line of said
22 Aperion Tract One-A and the southerly right-of-way line of F.M.
23 407, a distance of 428.68 feet to a capped 1/2" iron pin set;
24 THENCE S 89°54'47" E tangent to said curve and along the north line
25 of said Aperion Tract One-A and the southerly right-of-way line of
26 F.M. 407, a distance of 458.09 feet to a point on the east line of
27 the City of Fort Worth ETJ line and the west line of the Town of

1 Northlake ETJ line;
2 THENCE S 00°00'00" W, departing the north line of said Aperion Tract
3 One-A and the southerly right-of-way line of said F.M 407, along the
4 east line of the City of Fort Worth ETJ line and along the west line
5 of the Town of Northlake ETJ line, a distance of 2998.33 feet to a
6 point on the north line of a tract conveyed to Patricia Malloy by
7 deed recorded in Volume 769, Page 965 RPRDCT;
8 THENCE S 88°57'42" W along the east line of said Aperion Tract One-A
9 and the north line of the north line of said Patricia Malloy tract,
10 a distance of 802.46 feet to a 5/8" iron pin found;
11 THENCE S 00°10'33" E along the east line of said Aperion Tract One-A
12 and the west line of said Patricia Malloy tract, a distance of
13 3748.38 feet to a 5/8" iron pin found, said iron pin also being the
14 northwest corner of Riggs Place, an addition to Denton County,
15 Texas as recorded in Cabinet E, Page 359 PRDCT;
16 THENCE S 00°17'37" E along the east line of said Aperion Tract One-A,
17 the west line of said Riggs Place and the west line of a remainder
18 tract conveyed to James Riggs, Jr., et ux Deborah, by deed recorded
19 in Volume 870, Page 444 RPRDCT, a distance of 4211.11 feet to a 1/2"
20 iron pin found, said iron pin also being in Sam Reynolds Road;
21 THENCE N 89°56'15" E along the east line of said Aperion Tract One-A,
22 the south line of said James Riggs, Jr. remainder tract, the south
23 line of said Riggs Place, the south line of Sunflower Meadows, an
24 addition to Denton County, Texas as recorded in Cabinet O, Page 122
25 PRDCT, the south line of Sage Meadows, Phase One, an addition to
26 Denton County, Texas as recorded in Cabinet M, Page 208 PRDCT; the
27 south line of a tract conveyed to Locust Thorn, L.P., by deed

1 recorded in Volume 4009, Page 321 RPRDCT, the south line of Foxbane
2 Estates, an addition to Denton County, Texas as recorded in Cabinet
3 H, Page 24 PRDCT and in Sam Reynolds Road, a distance of 3409.24
4 feet to a capped 1/2" iron pin set, said iron pin also being the
5 original northwest corner of Peyton Place, Phase One, an addition
6 to Denton County, Texas as recorded in Cabinet M, Page 266 PRDCT;
7 THENCE S 00°15'21" E along the east line of said Aperion Tract One-A,
8 the west line of said Peyton Place, Phase One and the west line of
9 Peyton Place, Phase Two, an addition to Denton County, Texas as
10 recorded in Cabinet P, Page 50 PRDCT, a distance of 1482.19 feet to
11 a 1/2" iron pin found, said iron pin also being the northeast corner
12 of a tract conveyed to Rocksand Investments, LLLP by deed recorded
13 in Instrument Number 2005-30851 RPRDCT;
14 THENCE S 00°03'07" E along the east line of said Rocksand
15 Investments tract, a distance of 503.35 feet to a 1/2" iron pin
16 found, said iron pin also being on the northwesterly line of a tract
17 conveyed to The Atchison, Topeka and Santa Fe Railway Company by
18 deed recorded under County Clerk's File No. 93-R0020408 RPRDCT;
19 said iron pin also being the Point of Curvature of a non-tangent
20 circular curve to the left having a radius of 5829.65 feet, a
21 central angle of 19°15'23" and being subtended by a chord which
22 bears S 54°00'43" W, 1950.06 feet;
23 THENCE along said curve to the left and the northwesterly line of
24 said Atchison, Topeka and Santa Fe Railway Company tract, a
25 distance of 1959.27 feet to a 1/2" iron pin found;
26 THENCE S 44°23'02" W along the northwesterly line of said Atchison,
27 Topeka and Santa Fe Railway Company tract, a distance of 27.66 feet

1 to a 5/8" iron pin found;
2 THENCE N 45°36'58" W along the northwesterly line of said Atchison,
3 Topeka and Santa Fe Railway Company tract, a distance of 50.00 feet
4 to a 5/8" iron pin found;
5 THENCE S 44°23'02" W along the northwesterly line of said Atchison,
6 Topeka and Santa Fe Railway Company tract, a distance of 1446.37
7 feet to a 5/8" iron pin found, said iron pin being on the east line
8 of said Aperion Tract One-A and the west line of said Rocksand
9 Investments tract;
10 THENCE N 00°07'20" W along the east line of said Aperion Tract One-A
11 and the west line of said Rocksand Investments tract, a distance of
12 857.55 feet to a capped 1/2" iron pin set;
13 THENCE N 90°00'00" W, departing the east line of said Aperion Tract
14 One-A and the west line of said Rocksand Investments tract, a
15 distance of 773.31 feet to a capped 1/2" iron pin set;
16 THENCE N 65°58'36" W, a distance of 1029.92 feet to a capped 1/2"
17 iron pin set;
18 THENCE N 44°08'03" W, a distance of 999.82 feet to a capped 1/2" iron
19 pin set;
20 THENCE N 52°34'22" W, a distance of 867.86 feet to a capped 1/2" iron
21 pin set;
22 THENCE N 86°14'27" W, a distance of 222.13 feet to the POINT OF
23 BEGINNING and containing 59,787,842 square feet or 1372.540 acres
24 of land, more or less.
25 TRACT TWO
26 BEING a 550.197 acre tract of land in the W.C. Brookfield Survey,
27 Abstract No. 34, situated in Denton County, Texas and being that

1 same tract of land as described in deeds recorded in Volume 5128,
2 Page 3102 and Volume 5119, Page 715 of the Real Property Records of
3 Denton County, Texas (RPRDCT) and being more particularly described
4 as follows:

5 BEGINNING at a point in the north line of F.M. 407 at the southeast
6 corner of the herein described tract of land, said point lying in
7 the west line of a tract of land as described in deed to Bill
8 Pennington, recorded in Volume 572, Page 131, RPRDCT;

9 THENCE along the north line of said F.M. 407, as follows:

10 Northwesterly, along a curve to the left, having a radius point that
11 bears S 18°06'28" W, 624.31 feet, an arc distance of 204.03 feet, a
12 central angle of 18°43'31" and being subtended by a chord which
13 bears N 81°15'18" W, 203.13 feet;

14 S 89°22'57" W, a distance of 1876.49 feet;

15 S 89°18'36" W, a distance of 1931.01 feet;

16 THENCE N 00°04'03" W, departing the north line of said F.M. 407, a
17 distance of 2834.59 feet;

18 THENCE N 00°00'51" E, a distance of 1161.59 feet;

19 THENCE N 00°04'13" E, a distance of 1244.99 feet to the northwest
20 corner of the herein described tract of land;

21 THENCE, being adjoined to the north by a tract of land as described
22 in deed to Orville Rogers, recorded in Document No. 94-R0029773,
23 RPRDCT, along the north line of the herein described tract of land,
24 as follows:

25 S 89°37'03" E, a distance of 5409.41 feet;

26 S 00°32'35" W, a distance of 352.79 feet;

27 N 89°46'56" E, a distance of 651.45 feet;

1 THENCE S 00°44'37" E, being adjoined to the east by a tract of land
2 as described in deed to Laura Carter Johnson, recorded in Volume
3 3038, Page 713, RPRDCT, a distance of 1372.47 feet;
4 THENCE N 85°16'40" W, a distance of 2099.00 feet;
5 THENCE S 00°24'45" E, being adjoined to the east by the
6 aforementioned Pennington tract, a distance of 3642.68 feet to the
7 POINT OF BEGINNING and containing 550.197 acres, more or less.

8 SECTION 3. (a) The legal notice of the intention to
9 introduce this Act, setting forth the general substance of this
10 Act, has been published as provided by law, and the notice and a
11 copy of this Act have been furnished to all persons, agencies,
12 officials, or entities to which they are required to be furnished
13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
14 Government Code.

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

26 SECTION 4. This Act takes effect September 1, 2007.