

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 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 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 chapter expires under Section
12 8189.003.

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. If a location cannot be
18 agreed upon, the meeting shall be at the Denton County Courthouse.
19 At the meeting, the temporary directors shall elect officers from
20 among the temporary directors and conduct any other district
21 business.

22 Sec. 8189.023. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

23 (a) The temporary directors may not hold an election under Section
24 8189.024 until each municipality in whose corporate limits or
25 extraterritorial jurisdiction the district is located has adopted a
26 resolution consenting to the creation of the district.

27 (b) If the district is located outside the extraterritorial

1 jurisdiction of a municipality, the temporary directors may not
2 hold the election until each county in which the district is located
3 has adopted a resolution consenting to the creation of the
4 district.

5 (c) A municipality or county may not adopt a resolution
6 under this section before the effective date of the Act creating
7 this chapter.

8 Sec. 8189.024. CONFIRMATION AND INITIAL DIRECTORS'
9 ELECTION. If each municipality or county has consented to the
10 creation of the district under Section 8189.023, the temporary
11 directors shall hold an election to confirm the creation of the
12 district and to elect five directors as provided by Section 49.102,
13 Water Code.

14 Sec. 8189.025. INITIAL ELECTED DIRECTORS; TERMS. The
15 directors elected under Section 8189.024 shall draw lots to
16 determine which two shall serve until the first regularly scheduled
17 election of directors under Section 8189.052 and which three shall
18 serve until the second regularly scheduled election of directors.

19 Sec. 8189.026. EXPIRATION OF SUBCHAPTER. This subchapter
20 expires September 1, 2014.

21 [Sections 8189.027-8189.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

26 Sec. 8189.052. ELECTION OF DIRECTORS. On the uniform
27 election date in May of each even-numbered year, the appropriate

1 number of directors shall be elected.

2 [Sections 8189.053-8189.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

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

9 Sec. 8189.102. ROAD PROJECTS. (a) To the extent authorized
10 by Section 52, Article III, Texas Constitution, the district may
11 construct, acquire, improve, maintain, or operate macadamized,
12 graveled, or paved roads or turnpikes, or improvements in aid of
13 those roads or turnpikes, inside the district.

14 (b) A road project must meet or exceed all applicable
15 construction standards, zoning and subdivision requirements, and
16 regulatory ordinances of each municipality in whose corporate
17 limits or extraterritorial jurisdiction the district is located.
18 If the district is located outside the extraterritorial
19 jurisdiction of a municipality, a road project must meet all
20 applicable construction standards, zoning and subdivision
21 requirements, and regulatory ordinances of each county in which the
22 district is located.

23 (c) The district may not undertake a road project unless
24 each municipality in whose corporate limits or extraterritorial
25 jurisdiction the district is located consents by ordinance or
26 resolution. If the district is located outside the
27 extraterritorial jurisdiction of a municipality, the district may

1 not undertake a road project unless each county in which the
2 district is located consents by ordinance or resolution.

3 Sec. 8189.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
4 RESOLUTIONS. Subject to the limitations of Section 54.016, Water
5 Code, the district shall comply with all applicable requirements of
6 any ordinance or resolution adopted by the city council of the City
7 of Fort Worth.

8 Sec. 8189.104. LIMITATION ON USE OF EMINENT DOMAIN. The
9 district may exercise the power of eminent domain outside the
10 district only to acquire an easement necessary for a pipeline that
11 serves the district.

12 [Sections 8189.105-8189.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

17 [Sections 8189.152-8189.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 8189.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49 and 54, Water Code, to finance the
22 construction, maintenance, or operation of projects under Sections
23 8189.101 and 8189.102.

24 (b) The district may not issue bonds to finance projects
25 authorized by Section 8189.102 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 8189.102 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 8189.102 or to
6 bonds issued by the district to finance the project.

7 SECTION 2. The Tradition Municipal Utility District No. 2
8 of Denton County initially includes all the territory contained in
9 the following area:

10 BEING a 1,922.737 acre tract of land in the G. Cardinas
11 Survey, Abstract No. 214, the James Chesier Survey, Abstract No.
12 225, the W.D. Reed Survey, Abstract No. 1125, the W.C. Brookfield
13 Survey, Abstract No. 34, and the W.A. Ferris Survey, Abstract No.
14 419 situated in Denton County, Texas and being a combination of a
15 portion of those tracts conveyed to Aperion Communities, L.L.L.P.
16 (Aperion Tract One-A and Aperion Tract One-B), by deed recorded
17 under County Clerk's File No. 2004-11913 of the Real Property
18 Records of Denton County, Texas (RPRDCT), that tract conveyed to
19 Nancy Talley Reynolds, et al, by deed recorded in Volume 2301, Page
20 223 RPRDCT, a portion of that tract conveyed to Aperion
21 Communities, L.L.L.P. by deed recorded under County Clerk's File
22 No. 2003-190652 RPRDCT (Aperion Tract Two), that tract conveyed to
23 Rocksand Investments, LLLP by deed recorded in Instrument Number
24 2005-30851 RPRDCT and those tracts recorded in Volume 5128, Page
25 3102 and Volume 5119, Page 715, RPRDCT and being more particularly
26 described as follows:

27 TRACT ONE

1 COMMENCING at a capped 5/8" iron pin found, said iron pin also
2 being on the north right-of-way line of State Highway No. 114, said
3 iron pin also being on the west line of said Alliance 161
4 Investments tract, said iron pin also being on the east line of a
5 tract conveyed to Betty Marie McIntyre, et al, by deed recorded in
6 Volume 2906, Page 363 RPRDCT;

7 THENCE N 00°32'36" W along the west line of said Alliance 161
8 Investments tract and the east line of said McIntyre, et al, tract
9 recorded in Volume 2906, Page 363 RPRDCT, a distance of 3701.24 feet
10 to a 3/8" iron pin found;

11 THENCE N 89°39'59" E along the north line of said Alliance 161
12 Investments tract and the east line of said McIntyre, et al, tract
13 recorded in Volume 2906, Page 363 RPRDCT, a distance of 1826.89 feet
14 to a 1/2" iron pin found, said iron pin also being on the west line
15 of said Aperion Tract One-A;

16 THENCE N 00°22'44" W along the east line of said McIntyre, et
17 al, tract recorded in Volume 2906, Page 363 RPRDCT, and the west
18 line of said Aperion Tract One-A, a distance of 1294.80 feet to a
19 capped 1/2" iron pin set, said capped iron pin set also being on the
20 west line of said Nancy Reynolds Talley, et al tract, said iron pin
21 also being the POINT OF BEGINNING of the herein described tract;

22 THENCE N 00°22'44" W along the east line of said McIntyre, et
23 al, tract recorded in Volume 2906, Page 363 RPRDCT, and the west
24 line of said Aperion Tract One-A, a distance of 102.53 feet to a
25 capped 1/2" iron pin set

26 THENCE N 57°46'29" W along the east line of said McIntyre, et
27 al, tract recorded in Volume 2906, Page 363 RPRDCT, the east line of

1 a tract conveyed to Peggy Jeannine Eaton and Betty Marie McIntyre by
2 deed recorded under County Clerk's File No. 2003-203215 and the
3 west line of said Nancy Reynolds Talley, et al tract, a distance of
4 253.45 feet to a 1/2" iron pin found;

5 THENCE N 00°21'32" E along the east line of said Peggy
6 Jeannine Eaton and Betty Marie McIntyre tract and the west line of
7 said Nancy Reynolds Talley, et al tract, a distance of 1364.27 feet
8 to a railroad spike found, said railroad spike also being on a west
9 line of said Aperion Tract One-A, said railroad spike also being in
10 Sam Reynolds Road;

11 THENCE N 00°12'20" W along the east line of said Peggy
12 Jeannine Eaton and Betty Marie McIntyre tract and the west line of
13 said Aperion Tract One-A and in Sam Reynolds Road, a distance of
14 2791.88 feet to a railroad spike found;

15 THENCE S 89°52'16" W along the north line of said Peggy
16 Jeannine Eaton and Betty Marie McIntyre tract and the west line of
17 said Aperion Tract One-A and in Sam Reynolds Road, a distance of
18 1909.29 feet to a 5/8" iron pin found, said iron pin also being on
19 the east line of Indian Trails Phase 1, an addition to Denton
20 County, Texas as recorded in Cabinet G, Page 311 of the Plat Records
21 of Denton County, Texas (PRDCT);

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

1 in Volume 501, Page 248 RPRDCT;

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

5 THENCE N 00°18'58" W along the west line of said Aperion Tract
6 One-A and the east line of said High tract, a distance of 307.76
7 feet to a 1/2" iron pin found;

8 THENCE S 89°55'09" W along the west line of said Aperion Tract
9 One-A and the north line of said High tract, a distance of 370.41
10 feet to a 60d nail found, said 60d nail also being on the east line
11 of said Avondale Ranch tract and in Sam Reynolds Road;

12 THENCE N 00°12'09" W along the west line of said Aperion Tract
13 One-A, the east line of said Avondale Ranch tract, the east line of
14 a tract conveyed to W.E. Wilkerson by deed recorded in Volume 960,
15 Page 35 RPRDCT, the east line of a tract conveyed to Edward Zelnik,
16 et ux Janet by deed recorded in Volume 4062, Page 1905 RPRDCT, the
17 east line of a tract conveyed to J. Lloyd Barksdale, et ux Dorthy by
18 deed recorded in Volume 829, Page 271 RPRDCT, the east line of a
19 tract conveyed to J. Lloyd Barksdale, et ux Dorthy by deed recorded
20 in Volume 829, Page 275 RPRDCT, the east line of a tract conveyed to
21 Gary Lynn Barksdale, et ux Toni Gayle by deed recorded in Volume
22 1545, Page 427 RPRDCT, the east line of a tract conveyed to Bobby J.
23 Henry by deed recorded in Volume 5028, Page 3683 RPRDCT, and in Sam
24 Reynolds Road, a distance of 3495.34 feet to a railroad spike found,
25 said railroad spike also being on the south line of a tract conveyed
26 to Margaret DiNapoli, et al, by deed recorded in Volume 4522, Page
27 2063 RPRDCT;

1 THENCE S 89°57'51" E along the west line of said Aperion Tract
2 One-A and the south line of said Margaret DiNapoli, et al tract, a
3 distance of 509.83 feet to a 5/8" iron pin found, said iron pin also
4 being on the west line of a tract conveyed to Archie Eddleman by
5 deed recorded in Volume 2322, Page 824 RPRDCT;

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

9 THENCE N 89°05'10" E along the west line of said Aperion Tract
10 One-A and the south line of said Eddleman tract, a distance of
11 870.61 feet to a 5/8" iron pin found, said iron pin also being the
12 southwest corner of a tract conveyed to Ricky Iverson by deed
13 recorded in Volume 4718, Page 362 RPRDCT;

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

19 THENCE N 00°24'54" W along the west line of said Aperion Tract
20 One-A and the east line of said Theis tract and the east line of a
21 tract conveyed to S.R. Harper by deed recorded in Volume 1726, Page
22 31 RPRDCT, a distance of 907.14 feet to a 1/2" iron pin found, said
23 iron pin also being the southeast corner of a tract conveyed to Roy
24 Chastain by Contract of Sale recorded under County Clerk's File No.
25 97-R0021328 RPRDCT;

26 THENCE N 00°43'24" W along the west line of said Aperion Tract
27 One-A and the east line of said Chastain tract, a distance of 423.43

1 feet to a 1/2" iron pin found, said iron pin also being the
2 southeast corner of said Aperion Tract Two;

3 THENCE S 88°53'01" W along the south line of said Aperion
4 Tract Two and the north line of said Chastain tract, a distance of
5 1193.21 feet to a capped 1/2" iron pin found, said iron pin also
6 being on the east line of a tract conveyed to Wayne Harris by deed
7 recorded in Volume 976, Page 42 RPRDCT;

8 THENCE N 00°35'15" W along the west line of said Aperion Tract
9 Two and the east line of said Harris tract, the east line of a tract
10 conveyed to John McCurry by deed recorded in Volume 971, Page 697
11 RPRDCT, the east line of a tract conveyed to Samuel Haynes by deed
12 recorded in Volume 962, Page 43 RPRDCT, and the east line of a tract
13 conveyed to Howell Choate by deed recorded in Volume 924, Page 921
14 RPRDCT, a distance of 2336.13 feet to a 1/2" iron pin found, said
15 iron pin also being the southwest corner of a tract conveyed to The
16 Pennington Family Trust by deed recorded in Volume 4833, Page 525
17 RPRDCT;

18 THENCE S 88°03'05" E along the north line of said Aperion
19 Tract Two and the south line of said Pennington Family Trust tract
20 recorded in Volume 4833, Page 525 RPRDCT, a distance of 977.84 feet
21 to a capped 1/2" iron pin previously set, said iron pin also being
22 on the north line of Aperion Tract One-A;

23 THENCE N 00°33'20" W, departing the south line of said
24 Pennington Family Trust tract and the north line of said Aperion
25 Tract One-A, a distance of 723.83 feet to a capped 1/2" iron pin
26 previously set, said iron pin also being on the south right-of-way
27 line of F.M. 407 (90' R.O.W.);

1 THENCE N 89°26'40" E, along the south right-of-way line of
2 said F.M. 407 and along the north line of said Pennington Family
3 Trust tract, a distance of 170.00 feet to a capped 1/2" iron pin
4 previously set;

5 THENCE S 00°33'20" E, departing the south right-of-way line of
6 said F.M. 407 and the north line of said Pennington Family Trust
7 tract, a distance of 731.26 feet to a capped 1/2" iron pin
8 previously set, said iron pin also being on the south line of said
9 Pennington Family Trust tract and the north line of Aperion Tract
10 One-A;

11 THENCE S 88°03'05" E along the north line of said Aperion
12 Tract One-A and the south line of said Pennington Family Trust
13 tract, a distance of 42.05 feet to a 1/2" iron pin found, said iron
14 pin also being on the north line of Aperion Tract One-A;

15 THENCE N 89°00'24" E along the north line of said Aperion
16 Tract One-A, the south line of said Pennington Family Trust tract
17 recorded in Volume 4833, Page 525 RPRDCT and the south line of a
18 tract conveyed to The Pennington Family Trust by deed recorded in
19 Volume 4833, Page 521 RPRDCT, a distance of 1146.79 feet to a 1/2"
20 iron pin found, said iron pin also being on the southerly
21 right-of-way line of Farm-to-Market Road No. 407 (F.M. 407) (90'
22 ROW);

23 THENCE S 50°10'01" E along the north line of said Aperion
24 Tract One-A and the southerly right-of-way line of F.M. 407, a
25 distance of 682.19 feet to a capped 1/2" iron pin set, said iron pin
26 also being the Point of Curvature of a circular curve to the left
27 having a radius of 617.96 feet, a central angle of 39°44'46" and

1 being subtended by a chord which bears S 70°02'24" E , 420.13 feet;

2 THENCE along said curve to the left and the north line of said
3 Aperion Tract One-A and the southerly right-of-way line of F.M.
4 407, a distance of 428.68 feet to a capped 1/2" iron pin set;

5 THENCE S 89°54'47" E tangent to said curve and along the north
6 line of said Aperion Tract One-A and the southerly right-of-way
7 line of F.M. 407, a distance of 458.09 feet to a point on the east
8 line of the City of Fort Worth ETJ line and the west line of the Town
9 of Northlake ETJ line;

10 THENCE S 00°00'00" W, departing the north line of said Aperion
11 Tract One-A and the southerly right-of-way line of said F.M 407,
12 along the east line of the City of Fort Worth ETJ line and along the
13 west line of the Town of Northlake ETJ line, a distance of 2998.33
14 feet to a point on the north line of a tract conveyed to Patricia
15 Malloy by deed recorded in Volume 769, Page 965 RPRDCT;

16 THENCE S 88°57'42" W along the east line of said Aperion Tract
17 One-A and the north line of the north line of said Patricia Malloy
18 tract, a distance of 802.46 feet to a 5/8" iron pin found;

19 THENCE S 00°10'33" E along the east line of said Aperion Tract
20 One-A and the west line of said Patricia Malloy tract, a distance of
21 3748.38 feet to a 5/8" iron pin found, said iron pin also being the
22 northwest corner of Riggs Place, an addition to Denton County,
23 Texas as recorded in Cabinet E, Page 359 PRDCT;

24 THENCE S 00°17'37" E along the east line of said Aperion Tract
25 One-A, the west line of said Riggs Place and the west line of a
26 remainder tract conveyed to James Riggs, Jr., et ux Deborah, by deed
27 recorded in Volume 870, Page 444 RPRDCT, a distance of 4211.11 feet

1 to a 1/2" iron pin found, said iron pin also being in Sam Reynolds
2 Road;

3 THENCE N 89°56'15" E along the east line of said Aperion Tract
4 One-A, the south line of said James Riggs, Jr. remainder tract, the
5 south line of said Riggs Place, the south line of Sunflower Meadows,
6 an addition to Denton County, Texas as recorded in Cabinet O, Page
7 122 PRDCT, the south line of Sage Meadows, Phase One, an addition to
8 Denton County, Texas as recorded in Cabinet M, Page 208 PRDCT; the
9 south line of a tract conveyed to Locust Thorn, L.P., by deed
10 recorded in Volume 4009, Page 321 RPRDCT, the south line of Foxbane
11 Estates, an addition to Denton County, Texas as recorded in Cabinet
12 H, Page 24 PRDCT and in Sam Reynolds Road, a distance of 3409.24
13 feet to a capped 1/2" iron pin set, said iron pin also being the
14 original northwest corner of Peyton Place, Phase One, an addition
15 to Denton County, Texas as recorded in Cabinet M, Page 266 PRDCT;

16 THENCE S 00°15'21" E along the east line of said Aperion Tract
17 One-A, the west line of said Peyton Place, Phase One and the west
18 line of Peyton Place, Phase Two, an addition to Denton County, Texas
19 as recorded in Cabinet P, Page 50 PRDCT , a distance of 1482.19 feet
20 to a 1/2" iron pin found, said iron pin also being the northeast
21 corner of a tract conveyed to Rocksand Investments, LLLP by deed
22 recorded in Instrument Number 2005-30851 RPRDCT;

23 THENCE S 00°03'07" E along the east line of said Rocksand
24 Investments tract, a distance of 503.35 feet to a 1/2" iron pin
25 found, said iron pin also being on the northwesterly line of a tract
26 conveyed to The Atchison, Topeka and Santa Fe Railway Company by
27 deed recorded under County Clerk's File No. 93-R0020408 RPRDCT;

1 said iron pin also being the Point of Curvature of a non-tangent
2 circular curve to the left having a radius of 5829.65 feet, a
3 central angle of 19°15'23" and being subtended by a chord which
4 bears S 54°00'43" W , 1950.06 feet;

5 THENCE along said curve to the left and the northwesterly
6 line of said Atchison, Topeka and Santa Fe Railway Company tract, a
7 distance of 1959.27 feet to a 1/2" iron pin found;

8 THENCE S 44°23'02" W along the northwesterly line of said
9 Atchison, Topeka and Santa Fe Railway Company tract, a distance of
10 27.66 feet to a 5/8" iron pin found;

11 THENCE N 45°36'58" W along the northwesterly line of said
12 Atchison, Topeka and Santa Fe Railway Company tract, a distance of
13 50.00 feet to a 5/8" iron pin found;

14 THENCE S 44°23'02" W along the northwesterly line of said
15 Atchison, Topeka and Santa Fe Railway Company tract, a distance of
16 1446.37 feet to a 5/8" iron pin found, said iron pin being on the
17 east line of said Aperion Tract One-A and the west line of said
18 Rocksand Investments tract;

19 THENCE N 00°07'20" W along the east line of said Aperion Tract
20 One-A and the west line of said Rocksand Investments tract, a
21 distance of 857.55 feet to a capped 1/2" iron pin set;

22 THENCE N 90°00'00" W, departing the east line of said Aperion
23 Tract One-A and the west line of said Rocksand Investments tract, a
24 distance of 773.31 feet to a capped 1/2" iron pin set;

25 THENCE N 65°58'36" W, a distance of 1029.92 feet to a capped
26 1/2" iron pin set;

27 THENCE N 44°08'03" W, a distance of 999.82 feet to a capped

1 1/2" iron pin set;

2 THENCE N 52°34'22" W, a distance of 867.86 feet to a capped
3 1/2" iron pin set;

4 THENCE N 86°14'27" W, a distance of 222.13 feet to the POINT OF
5 BEGINNING and containing 59,787,842 square feet or 1372.540 acres
6 of land, more or less.

7 TRACT TWO

8 BEING a 550.197 acre tract of land in the W.C. Brookfield
9 Survey, Abstract No. 34, situated in
10 Denton County, Texas and being that same tract of land as described
11 in deeds recorded in Volume 5128, Page 3102 and Volume 5119, Page
12 715 of the Real Property Records of Denton County, Texas (RPRDCT)
13 and being more particularly described as follows:

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

18 THENCE along the north line of said F.M. 407, as follows:
19 Northwesterly, along a curve to the left, having a radius point that
20 bears S 18°06'28" W, 624.31 feet, an arc distance of 204.03 feet, a
21 central angle of 18°43'31" and being subtended by a chord which
22 bears N 81°15'18" W, 203.13 feet;

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

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

25 THENCE N 00°04'03" W, departing the north line of said F.M.
26 407, a distance of 2834.59 feet;

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

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

3 THENCE, being adjoined to the north by a tract of land as
4 described in deed to Orville Rogers, recorded in Document No.
5 94-R0029773, RPRDCT, along the north line of the herein described
6 tract of land, as follows:

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

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

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

10 THENCE S 00°44'37" E, being adjoined to the east by a tract of
11 land as described in deed to Laura Carter Johnson, recorded in
12 Volume 3038, Page 713, RPRDCT, a distance of 1372.47 feet;

13 THENCE N 85°16'40" W, a distance of 2099.00 feet;

14 THENCE S 00°24'45" E, being adjoined to the east by the
15 aforementioned Pennington tract, a distance of 3642.68 feet to the
16 POINT OF BEGINNING and containing 550.197 acres, more or less.

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

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

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