

By: Parker (Senate Sponsor - Nelson) H.B. No. 3182
(In the Senate - Received from the House May 10, 2007;
May 14, 2007, read first time and referred to Committee on
Intergovernmental Relations; May 18, 2007, reported favorably by
the following vote: Yeas 4, Nays 0; May 18, 2007, sent to
printer.)

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,
except that:

(A) any debts incurred shall be paid;

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

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

(2) this chapter expires September 1, 2014.

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

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

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

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

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

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

[Sections 8189.005-8189.020 reserved for expansion]

SUBCHAPTER A1. TEMPORARY PROVISIONS

Sec. 8189.021. TEMPORARY DIRECTORS. (a) On or after
September 1, 2007, a person who owns land in the district may submit
a petition to the Texas Commission on Environmental Quality
requesting that the commission appoint as temporary directors the
five persons named in the petition.

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

(c) If a temporary director fails to qualify for office, the

commission shall appoint a person to fill the vacancy.

(d) Temporary directors serve until the earlier of:

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

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

Sec. 8189.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 49.055, Water Code, the temporary directors shall meet at a location in the district agreeable to a majority of the directors. At the meeting, the temporary directors shall elect officers from among the temporary directors and conduct any other district business.

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

Sec. 8189.024. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. The temporary directors shall hold an election to confirm the creation of the district and to elect five directors as provided by Section 49.102, Water Code.

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

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

[Sections 8189.027-8189.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

(b) Directors serve staggered four-year terms.

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

[Sections 8189.053-8189.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) The board may consider a proposal to divide the district on:

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

(2) a motion by the board.

(c) If the board decides to divide the district, the board shall:

(1) set the terms of the division, including names for

the new districts and a plan for the payment or performance of any outstanding district obligations;

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

(3) send written notice containing the information required by Subdivisions (1) and (2) to each county and municipality in whose extraterritorial jurisdiction the district is located.

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

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

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

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

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

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

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

(2) the proposition to be voted on.

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

(1) the district is divided; and

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

(A) the Texas Commission on Environmental Quality;

(B) the attorney general;

(C) the Commissioners Court of Denton County; and

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

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

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

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

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

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

(c) On the uniform election date in May of the first even-numbered year after the year in which the directors are appointed, the appointed board shall hold an election to elect five directors in each district for which directors were appointed under Subsection (a)(2). The directors shall draw lots to determine which two shall serve until the next regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

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

(b) If the district is divided as provided by this subchapter, the current obligations and any bond authorizations of

the district are not impaired. Debts shall be paid by revenue or by taxes or assessments imposed on real property in the district as if the district had not been divided or by contributions from each new district as stated in the terms set by the board under Section 8189.103(c).

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

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

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

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

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

[Sections 8189.110-8189.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

[Sections 8189.152-8189.200 reserved for expansion]

SUBCHAPTER E. BONDS

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

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

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 8189.102 may not exceed one-fourth of the assessed value of the real property in the district.

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

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

TRACT ONE

COMMENCING at a capped 5/8" iron pin found, said iron pin also being

5-1 on the north right-of-way line of State Highway No. 114, said iron
 5-2 pin also being on the west line of said Alliance 161 Investments
 5-3 tract, said iron pin also being on the east line of a tract conveyed
 5-4 to Betty Marie McIntyre, et al, by deed recorded in Volume 2906,
 5-5 Page 363 RPRDCT; THENCE
 5-6 N 00°32'36" W along the west line of said Alliance 161 Investments
 5-7 tract and the east line of said McIntyre, et al, tract recorded in
 5-8 Volume 2906, Page 363 RPRDCT, a distance of 3701.24 feet to a 3/8"
 5-9 iron pin found; THENCE N 89°39'59" E along the north line of said
 5-10 Alliance 161 Investments tract and the east line of said McIntyre,
 5-11 et al, tract recorded in Volume 2906, Page 363 RPRDCT, a distance of
 5-12 1826.89 feet to a 1/2" iron pin found, said iron pin also being on
 5-13 the west line of said Aperion Tract One-A; THENCE N 00°22'44" W
 5-14 along the east line of said McIntyre, et al, tract recorded in
 5-15 Volume 2906, Page 363 RPRDCT, and the west line of said Aperion
 5-16 Tract One-A, a distance of 1294.80 feet to a capped 1/2" iron pin
 5-17 set, said capped iron pin set also being on the west line of said
 5-18 Nancy Reynolds Talley, et al tract, said iron pin also being the
 5-19 POINT OF BEGINNING of the herein described tract;
 5-20 THENCE N 00°22'44" W along the east line of said McIntyre, et al,
 5-21 tract recorded in Volume 2906, Page 363 RPRDCT, and the west line of
 5-22 said Aperion Tract One-A, a distance of 102.53 feet to a capped 1/2"
 5-23 iron pin set
 5-24 THENCE N 57°46'29" W along the east line of said McIntyre, et al,
 5-25 tract recorded in Volume 2906, Page 363 RPRDCT, the east line of a
 5-26 tract conveyed to Peggy Jeannine Eaton and Betty Marie McIntyre by
 5-27 deed recorded under County Clerk's File No. 2003-203215 and the
 5-28 west line of said Nancy Reynolds Talley, et al tract, a distance of
 5-29 253.45 feet to a 1/2" iron pin found;
 5-30 THENCE N 00°21'32" E along the east line of said Peggy Jeannine Eaton
 5-31 and Betty Marie McIntyre tract and the west line of said Nancy
 5-32 Reynolds Talley, et al tract, a distance of 1364.27 feet to a
 5-33 railroad spike found, said railroad spike also being on a west line
 5-34 of said Aperion Tract One-A, said railroad spike also being in Sam
 5-35 Reynolds Road;
 5-36 THENCE N 00°12'20" W along the east line of said Peggy Jeannine Eaton
 5-37 and Betty Marie McIntyre tract and the west line of said Aperion
 5-38 Tract One-A and in Sam Reynolds Road, a distance of 2791.88 feet to
 5-39 a railroad spike found;
 5-40 THENCE S 89°52'16" W along the north line of said Peggy Jeannine
 5-41 Eaton and Betty Marie McIntyre tract and the west line of said
 5-42 Aperion Tract One-A and in Sam Reynolds Road, a distance of 1909.29
 5-43 feet to a 5/8" iron pin found, said iron pin also being on the east
 5-44 line of Indian Trails Phase 1, an addition to Denton County, Texas
 5-45 as recorded in Cabinet G, Page 311 of the Plat Records of Denton
 5-46 County, Texas (PRDCT);
 5-47 THENCE N 00°09'15" W along the west line of said Aperion Tract One-A,
 5-48 the east line of said Indian Trails Phase 1, the east line of a tract
 5-49 conveyed to Avondale Ranch by deed recorded in Volume 5289, Page
 5-50 4253 RPRDCT and in Sam Reynolds Road, a distance of 1437.47 feet to
 5-51 a 60d nail in asphalt found, said 60d nail also being the southwest
 5-52 corner of a tract conveyed to Milton High by deed recorded in Volume
 5-53 501, Page 248 RPRDCT;
 5-54 THENCE N 76°15'28" E along the west line of said Aperion Tract One-A
 5-55 and the south line of said High tract, a distance of 381.87 feet to a
 5-56 1/2" iron pin found;
 5-57 THENCE N 00°18'58" W along the west line of said Aperion Tract One-A
 5-58 and the east line of said High tract, a distance of 307.76 feet to a
 5-59 1/2" iron pin found;
 5-60 THENCE S 89°55'09" W along the west line of said Aperion Tract One-A
 5-61 and the north line of said High tract, a distance of 370.41 feet to a
 5-62 60d nail found, said 60d nail also being on the east line of said
 5-63 Avondale Ranch tract and in Sam Reynolds Road;
 5-64 THENCE N 00°12'09" W along the west line of said Aperion Tract One-A,
 5-65 the east line of said Avondale Ranch tract, the east line of a tract
 5-66 conveyed to W.E. Wilkerson by deed recorded in Volume 960, Page 35
 5-67 RPRDCT, the east line of a tract conveyed to Edward Zelnik, et ux
 5-68 Janet by deed recorded in Volume 4062, Page 1905 RPRDCT, the east
 5-69 line of a tract conveyed to J. Lloyd Barksdale, et ux Dorothy by deed

6-1 recorded in Volume 829, Page 271 RPRDCT, the east line of a tract
 6-2 conveyed to J. Lloyd Barksdale, et ux Dorthy by deed recorded in
 6-3 Volume 829, Page 275 RPRDCT, the east line of a tract conveyed to
 6-4 Gary Lynn Barksdale, et ux Toni Gayle by deed recorded in Volume
 6-5 1545, Page 427 RPRDCT, the east line of a tract conveyed to Bobby J.
 6-6 Henry by deed recorded in Volume 5028, Page 3683 RPRDCT, and in Sam
 6-7 Reynolds Road, a distance of 3495.34 feet to a railroad spike found,
 6-8 said railroad spike also being on the south line of a tract conveyed
 6-9 to Margaret DiNapoli, et al, by deed recorded in Volume 4522, Page
 6-10 2063 RPRDCT;
 6-11 THENCE S 89°57'51" E along the west line of said Aperion Tract One-A
 6-12 and the south line of said Margaret DiNapoli, et al tract, a
 6-13 distance of 509.83 feet to a 5/8" iron pin found, said iron pin also
 6-14 being on the west line of a tract conveyed to Archie Eddleman by
 6-15 deed recorded in Volume 2322, Page 824 RPRDCT;
 6-16 THENCE S 00°14'31" E along the west line of said Aperion Tract One-A
 6-17 and the west line of said Eddleman tract, a distance of 226.43 feet
 6-18 to a 1/2" iron pin found;
 6-19 THENCE N 89°05'10" E along the west line of said Aperion Tract One-A
 6-20 and the south line of said Eddleman tract, a distance of 870.61 feet
 6-21 to a 5/8" iron pin found, said iron pin also being the southwest
 6-22 corner of a tract conveyed to Ricky Iverson by deed recorded in
 6-23 Volume 4718, Page 362 RPRDCT;
 6-24 THENCE N 88°48'54" E along the west line of said Aperion Tract One-A
 6-25 and the south line of said Iverson tract and the south line of a
 6-26 tract conveyed to Carol Theis by deed recorded in Volume 1038, Page
 6-27 887 RPRDCT, a distance of 1598.77 feet to a 1/2" iron pin found;
 6-28 THENCE N 00°24'54" W along the west line of said Aperion Tract One-A
 6-29 and the east line of said Theis tract and the east line of a tract
 6-30 conveyed to S.R. Harper by deed recorded in Volume 1726, Page 31
 6-31 RPRDCT, a distance of 907.14 feet to a 1/2" iron pin found, said
 6-32 iron pin also being the southeast corner of a tract conveyed to Roy
 6-33 Chastain by Contract of Sale recorded under County Clerk's File No.
 6-34 97-R0021328 RPRDCT;
 6-35 THENCE N 00°43'24" W along the west line of said Aperion Tract One-A
 6-36 and the east line of said Chastain tract, a distance of 423.43 feet
 6-37 to a 1/2" iron pin found, said iron pin also being the southeast
 6-38 corner of said Aperion Tract Two;
 6-39 THENCE S 88°53'01" W along the south line of said Aperion Tract Two
 6-40 and the north line of said Chastain tract, a distance of 1193.21
 6-41 feet to a capped 1/2" iron pin found, said iron pin also being on the
 6-42 east line of a tract conveyed to Wayne Harris by deed recorded in
 6-43 Volume 976, Page 42 RPRDCT;
 6-44 THENCE N 00°35'15" W along the west line of said Aperion Tract Two
 6-45 and the east line of said Harris tract, the east line of a tract
 6-46 conveyed to John McCurry by deed recorded in Volume 971, Page 697
 6-47 RPRDCT, the east line of a tract conveyed to Samuel Haynes by deed
 6-48 recorded in Volume 962, Page 43 RPRDCT, and the east line of a tract
 6-49 conveyed to Howell Choate by deed recorded in Volume 924, Page 921
 6-50 RPRDCT, a distance of 2336.13 feet to a 1/2" iron pin found, said
 6-51 iron pin also being the southwest corner of a tract conveyed to The
 6-52 Pennington Family Trust by deed recorded in Volume 4833, Page 525
 6-53 RPRDCT;
 6-54 THENCE S 88°03'05" E along the north line of said Aperion Tract Two
 6-55 and the south line of said Pennington Family Trust tract recorded in
 6-56 Volume 4833, Page 525 RPRDCT, a distance of 977.84 feet to a capped
 6-57 1/2" iron pin previously set, said iron pin also being on the north
 6-58 line of Aperion Tract One-A;
 6-59 THENCE N 00°33'20" W, departing the south line of said Pennington
 6-60 Family Trust tract and the north line of said Aperion Tract One-A, a
 6-61 distance of 723.83 feet to a capped 1/2" iron pin previously set,
 6-62 said iron pin also being on the south right-of-way line of F.M. 407
 6-63 (90' R.O.W.);
 6-64 THENCE N 89°26'40" E, along the south right-of-way line of said F.M.
 6-65 407 and along the north line of said Pennington Family Trust tract,
 6-66 a distance of 170.00 feet to a capped 1/2" iron pin previously set;
 6-67 THENCE S 00°33'20" E, departing the south right-of-way line of said
 6-68 F.M. 407 and the north line of said Pennington Family Trust tract, a
 6-69 distance of 731.26 feet to a capped 1/2" iron pin previously set,

7-1 said iron pin also being on the south line of said Pennington Family
 7-2 Trust tract and the north line of Aperion Tract One-A;
 7-3 THENCE S 88°03'05" E along the north line of said Aperion Tract One-A
 7-4 and the south line of said Pennington Family Trust tract, a distance
 7-5 of 42.05 feet to a 1/2" iron pin found, said iron pin also being on
 7-6 the north line of Aperion Tract One-A;
 7-7 THENCE N 89°00'24" E along the north line of said Aperion Tract
 7-8 One-A, the south line of said Pennington Family Trust tract
 7-9 recorded in Volume 4833, Page 525 RPRDCT and the south line of a
 7-10 tract conveyed to The Pennington Family Trust by deed recorded in
 7-11 Volume 4833, Page 521 RPRDCT, a distance of 1146.79 feet to a 1/2"
 7-12 iron pin found, said iron pin also being on the southerly
 7-13 right-of-way line of Farm-to-Market Road No. 407 (F.M. 407) (90'
 7-14 ROW);
 7-15 THENCE S 50°10'01" E along the north line of said Aperion Tract One-A
 7-16 and the southerly right-of-way line of F.M. 407, a distance of
 7-17 682.19 feet to a capped 1/2" iron pin set, said iron pin also being
 7-18 the Point of Curvature of a circular curve to the left having a
 7-19 radius of 617.96 feet, a central angle of 39°44'46" and being
 7-20 subtended by a chord which bears S 70°02'24" E , 420.13 feet;
 7-21 THENCE along said curve to the left and the north line of said
 7-22 Aperion Tract One-A and the southerly right-of-way line of F.M.
 7-23 407, a distance of 428.68 feet to a capped 1/2" iron pin set;
 7-24 THENCE S 89°54'47" E tangent to said curve and along the north line
 7-25 of said Aperion Tract One-A and the southerly right-of-way line of
 7-26 F.M. 407, a distance of 458.09 feet to a point on the east line of
 7-27 the City of Fort Worth ETJ line and the west line of the Town of
 7-28 Northlake ETJ line;
 7-29 THENCE S 00°00'00" W, departing the north line of said Aperion Tract
 7-30 One-A and the southerly right-of-way line of said F.M 407, along the
 7-31 east line of the City of Fort Worth ETJ line and along the west line
 7-32 of the Town of Northlake ETJ line, a distance of 2998.33 feet to a
 7-33 point on the north line of a tract conveyed to Patricia Malloy by
 7-34 deed recorded in Volume 769, Page 965 RPRDCT;
 7-35 THENCE S 88°57'42" W along the east line of said Aperion Tract One-A
 7-36 and the north line of the north line of said Patricia Malloy tract,
 7-37 a distance of 802.46 feet to a 5/8" iron pin found;
 7-38 THENCE S 00°10'33" E along the east line of said Aperion Tract One-A
 7-39 and the west line of said Patricia Malloy tract, a distance of
 7-40 3748.38 feet to a 5/8" iron pin found, said iron pin also being the
 7-41 northwest corner of Riggs Place, an addition to Denton County,
 7-42 Texas as recorded in Cabinet E, Page 359 PRDCT;
 7-43 THENCE S 00°17'37" E along the east line of said Aperion Tract One-A,
 7-44 the west line of said Riggs Place and the west line of a remainder
 7-45 tract conveyed to James Riggs, Jr., et ux Deborah, by deed recorded
 7-46 in Volume 870, Page 444 RPRDCT, a distance of 4211.11 feet to a 1/2"
 7-47 iron pin found, said iron pin also being in Sam Reynolds Road;
 7-48 THENCE N 89°56'15" E along the east line of said Aperion Tract One-A,
 7-49 the south line of said James Riggs, Jr. remainder tract, the south
 7-50 line of said Riggs Place, the south line of Sunflower Meadows, an
 7-51 addition to Denton County, Texas as recorded in Cabinet O, Page 122
 7-52 PRDCT, the south line of Sage Meadows, Phase One, an addition to
 7-53 Denton County, Texas as recorded in Cabinet M, Page 208 PRDCT; the
 7-54 south line of a tract conveyed to Locust Thorn, L.P., by deed
 7-55 recorded in Volume 4009, Page 321 RPRDCT, the south line of Foxbane
 7-56 Estates, an addition to Denton County, Texas as recorded in Cabinet
 7-57 H, Page 24 PRDCT and in Sam Reynolds Road, a distance of 3409.24
 7-58 feet to a capped 1/2" iron pin set, said iron pin also being the
 7-59 original northwest corner of Peyton Place, Phase One, an addition
 7-60 to Denton County, Texas as recorded in Cabinet M, Page 266 PRDCT;
 7-61 THENCE S 00°15'21" E along the east line of said Aperion Tract One-A,
 7-62 the west line of said Peyton Place, Phase One and the west line of
 7-63 Peyton Place, Phase Two, an addition to Denton County, Texas as
 7-64 recorded in Cabinet P, Page 50 PRDCT, a distance of 1482.19 feet to
 7-65 a 1/2" iron pin found, said iron pin also being the northeast corner
 7-66 of a tract conveyed to Rocksand Investments, LLLP by deed recorded
 7-67 in Instrument Number 2005-30851 RPRDCT;
 7-68 THENCE S 00°03'07" E along the east line of said Rocksand
 7-69 Investments tract, a distance of 503.35 feet to a 1/2" iron pin

8-1 found, said iron pin also being on the northwesterly line of a tract
 8-2 conveyed to The Atchison, Topeka and Santa Fe Railway Company by
 8-3 deed recorded under County Clerk's File No. 93-R0020408 RPRDCT;
 8-4 said iron pin also being the Point of Curvature of a non-tangent
 8-5 circular curve to the left having a radius of 5829.65 feet, a
 8-6 central angle of 19°15'23" and being subtended by a chord which
 8-7 bears S 54°00'43" W, 1950.06 feet;
 8-8 THENCE along said curve to the left and the northwesterly line of
 8-9 said Atchison, Topeka and Santa Fe Railway Company tract, a
 8-10 distance of 1959.27 feet to a 1/2" iron pin found;
 8-11 THENCE S 44°23'02" W along the northwesterly line of said Atchison,
 8-12 Topeka and Santa Fe Railway Company tract, a distance of 27.66 feet
 8-13 to a 5/8" iron pin found;
 8-14 THENCE N 45°36'58" W along the northwesterly line of said Atchison,
 8-15 Topeka and Santa Fe Railway Company tract, a distance of 50.00 feet
 8-16 to a 5/8" iron pin found;
 8-17 THENCE S 44°23'02" W along the northwesterly line of said Atchison,
 8-18 Topeka and Santa Fe Railway Company tract, a distance of 1446.37
 8-19 feet to a 5/8" iron pin found, said iron pin being on the east line
 8-20 of said Aperion Tract One-A and the west line of said Rocksand
 8-21 Investments tract;
 8-22 THENCE N 00°07'20" W along the east line of said Aperion Tract One-A
 8-23 and the west line of said Rocksand Investments tract, a distance of
 8-24 857.55 feet to a capped 1/2" iron pin set;
 8-25 THENCE N 90°00'00" W, departing the east line of said Aperion Tract
 8-26 One-A and the west line of said Rocksand Investments tract, a
 8-27 distance of 773.31 feet to a capped 1/2" iron pin set;
 8-28 THENCE N 65°58'36" W, a distance of 1029.92 feet to a capped 1/2"
 8-29 iron pin set;
 8-30 THENCE N 44°08'03" W, a distance of 999.82 feet to a capped 1/2" iron
 8-31 pin set;
 8-32 THENCE N 52°34'22" W, a distance of 867.86 feet to a capped 1/2" iron
 8-33 pin set;
 8-34 THENCE N 86°14'27" W, a distance of 222.13 feet to the POINT OF
 8-35 BEGINNING and containing 59,787,842 square feet or 1372.540 acres
 8-36 of land, more or less.
 8-37 TRACT TWO
 8-38 BEING a 550.197 acre tract of land in the W.C. Brookfield Survey,
 8-39 Abstract No. 34, situated in Denton County, Texas and being that
 8-40 same tract of land as described in deeds recorded in Volume 5128,
 8-41 Page 3102 and Volume 5119, Page 715 of the Real Property Records of
 8-42 Denton County, Texas (RPRDCT) and being more particularly described
 8-43 as follows:
 8-44 BEGINNING at a point in the north line of F.M. 407 at the southeast
 8-45 corner of the herein described tract of land, said point lying in
 8-46 the west line of a tract of land as described in deed to Bill
 8-47 Pennington, recorded in Volume 572, Page 131, RPRDCT;
 8-48 THENCE along the north line of said F.M. 407, as follows:
 8-49 Northwesterly, along a curve to the left, having a radius point that
 8-50 bears S 18°06'28" W, 624.31 feet, an arc distance of 204.03 feet, a
 8-51 central angle of 18°43'31" and being subtended by a chord which
 8-52 bears N 81°15'18" W, 203.13 feet;
 8-53 S 89°22'57" W, a distance of 1876.49 feet;
 8-54 S 89°18'36" W, a distance of 1931.01 feet;
 8-55 THENCE N 00°04'03" W, departing the north line of said F.M. 407, a
 8-56 distance of 2834.59 feet;
 8-57 THENCE N 00°00'51" E, a distance of 1161.59 feet;
 8-58 THENCE N 00°04'13" E, a distance of 1244.99 feet to the northwest
 8-59 corner of the herein described tract of land;
 8-60 THENCE, being adjoined to the north by a tract of land as described
 8-61 in deed to Orville Rogers, recorded in Document No. 94-R0029773,
 8-62 RPRDCT, along the north line of the herein described tract of land,
 8-63 as follows:
 8-64 S 89°37'03" E, a distance of 5409.41 feet;
 8-65 S 00°32'35" W, a distance of 352.79 feet;
 8-66 N 89°46'56" E, a distance of 651.45 feet;
 8-67 THENCE S 00°44'37" E, being adjoined to the east by a tract of land
 8-68 as described in deed to Laura Carter Johnson, recorded in Volume
 8-69 3038, Page 713, RPRDCT, a distance of 1372.47 feet;

THENCE N 85°16'40" W, a distance of 2099.00 feet;
 THENCE S 00°24'45" E, being adjoined to the east by the
 aforementioned Pennington tract, a distance of 3642.68 feet to the
 POINT OF BEGINNING and containing 550.197 acres, more or less.

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

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

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

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

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

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