

1-1 By: King of Parker (Senate Sponsor - Estes) H.B. No. 3994  
1-2 (In the Senate - Received from the House May 10, 2007;  
1-3 May 14, 2007, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 18, 2007, rereferred to Committee  
1-5 on International Relations and Trade; May 19, 2007, reported  
1-6 adversely, with favorable Committee Substitute by the following  
1-7 vote: Yeas 6, Nays 0; May 19, 2007, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 3994 By: Estes

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to the creation of the Morning Star Ranch Municipal  
1-12 Utility Districts Nos. 1 and 2 of Parker County; providing  
1-13 authority to impose a tax and issue bonds; granting the power of  
1-14 eminent domain.

1-15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-16 ARTICLE 1. MORNING STAR RANCH MUNICIPAL UTILITY DISTRICT NO. 1

1-17 SECTION 1.01. Subtitle F, Title 6, Special District Local  
1-18 Laws Code, is amended by adding Chapter 8229 to read as follows:

1-19 CHAPTER 8229. MORNING STAR RANCH MUNICIPAL UTILITY DISTRICT NO. 1  
1-20 OF PARKER COUNTY

1-21 SUBCHAPTER A. GENERAL PROVISIONS

1-22 Sec. 8229.001. DEFINITIONS. In this chapter:

1-23 (1) "Board" means the district's board of directors.

1-24 (2) "Director" means a board member.

1-25 (3) "District" means the Morning Star Ranch Municipal  
1-26 Utility District No. 1 of Parker County.

1-27 Sec. 8229.002. NATURE OF DISTRICT. The district is a  
1-28 municipal utility district in Parker County created under and  
1-29 essential to accomplish the purposes of Section 59, Article XVI,  
1-30 Texas Constitution.

1-31 Sec. 8229.003. CONFIRMATION ELECTION REQUIRED. If the  
1-32 creation of the district is not confirmed at a confirmation  
1-33 election held under Section 8229.024 before September 1, 2011:

1-34 (1) the district is dissolved September 1, 2011,  
1-35 except that the district shall:

1-36 (A) pay any debts incurred;

1-37 (B) transfer any assets that remain after the  
1-38 payment of debts to Parker County; and

1-39 (C) maintain the organization of the district  
1-40 until all debts are paid and remaining assets are transferred; and

1-41 (2) this chapter expires September 1, 2014.

1-42 Sec. 8229.004. INITIAL DISTRICT TERRITORY. (a) The  
1-43 district is initially composed of the territory described by  
1-44 Section 1.02 of the Act creating this chapter.

1-45 (b) The boundaries and field notes contained in Section 1.02  
1-46 of the Act creating this chapter form a closure. A mistake made in  
1-47 the field notes or in copying the field notes in the legislative  
1-48 process does not affect:

1-49 (1) the organization, existence, or validity of the  
1-50 district;

1-51 (2) the right of the district to impose taxes;

1-52 (3) the validity of the district's bonds, notes, or  
1-53 indebtedness; or

1-54 (4) the legality or operation of the board.

1-55 [Sections 8229.005-8229.020 reserved for expansion]

1-56 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-57 Sec. 8229.021. TEMPORARY DIRECTORS. (a) On or after  
1-58 September 1, 2007, a person who owns land in the district may submit  
1-59 a petition to the Texas Commission on Environmental Quality  
1-60 requesting that the commission appoint as temporary directors the  
1-61 five persons named in the petition.

1-62 (b) The commission shall appoint as temporary directors the  
1-63 five persons named in the first petition received by the commission  
1-64 under Subsection (a).

2-1 (c) If a temporary director fails to qualify for office, the  
2-2 commission shall appoint a person to fill the vacancy.

2-3 (d) Temporary directors serve until the earlier of:  
2-4 (1) the date directors are elected under Section  
2-5 8229.024; or  
2-6 (2) the date this chapter expires under Section  
2-7 8229.003.

2-8 Sec. 8229.022. ORGANIZATIONAL MEETING OF TEMPORARY  
2-9 DIRECTORS. As soon as practicable after all the temporary  
2-10 directors have qualified under Section 49.055, Water Code, the  
2-11 temporary directors shall meet at a location in the district  
2-12 agreeable to a majority of the directors. At the meeting the  
2-13 temporary directors shall elect officers from among the temporary  
2-14 directors and conduct any other district business.

2-15 Sec. 8229.023. CONSENT AND AGREEMENT REQUIRED. The  
2-16 temporary directors may not hold an election under Section 8229.024  
2-17 until each municipality in whose corporate limits or  
2-18 extraterritorial jurisdiction the district is located, if any, has:

2-19 (1) adopted a resolution confirming its consent to the  
2-20 creation of the district after the effective date of the Act  
2-21 creating this chapter; and

2-22 (2) entered into an agreement with the developer of  
2-23 land in the district relating to the terms of development of the  
2-24 district, including coordination with the independent school  
2-25 district in whose territory the land being developed is located.

2-26 Sec. 8229.024. CONFIRMATION AND INITIAL DIRECTORS'  
2-27 ELECTION. The temporary directors shall hold an election to  
2-28 confirm the creation of the district and to elect five directors as  
2-29 provided by Section 49.102, Water Code.

2-30 Sec. 8229.025. INITIAL ELECTED DIRECTORS; TERMS. The  
2-31 directors elected under Section 8229.024 shall draw lots to  
2-32 determine which two shall serve until the first regularly scheduled  
2-33 election of directors under Section 8229.052 and which three shall  
2-34 serve until the second regularly scheduled election of directors.

2-35 Sec. 8229.026. EXPIRATION OF SUBCHAPTER. This subchapter  
2-36 expires September 1, 2014.

2-37 [Sections 8229.027-8229.050 reserved for expansion]

2-38 SUBCHAPTER B. BOARD OF DIRECTORS

2-39 Sec. 8229.051. DIRECTORS; TERMS. (a) The district is  
2-40 governed by a board of five directors.

2-41 (b) Directors serve staggered four-year terms.

2-42 Sec. 8229.052. ELECTION OF DIRECTORS. On the uniform  
2-43 election date in May of each even-numbered year, the appropriate  
2-44 number of directors shall be elected.

2-45 [Sections 8229.053-8229.100 reserved for expansion]

2-46 SUBCHAPTER C. POWERS AND DUTIES

2-47 Sec. 8229.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-48 DUTIES. The district has the powers and duties provided by the  
2-49 general law of this state, including Chapters 49 and 54, Water Code,  
2-50 applicable to municipal utility districts created under Section 59,  
2-51 Article XVI, Texas Constitution.

2-52 Sec. 8229.102. ROAD PROJECTS. (a) To the extent authorized  
2-53 by Section 52, Article III, Texas Constitution, the district may  
2-54 construct, acquire, improve, maintain, or operate macadamized,  
2-55 graveled, or paved roads, or improvements in aid of those roads,  
2-56 inside the district.

2-57 (b) A road project must meet all applicable construction  
2-58 standards, zoning and subdivision requirements, and regulatory  
2-59 ordinances of each municipality in whose corporate limits or  
2-60 extraterritorial jurisdiction the district is located.

2-61 (c) The district may not undertake a road project unless  
2-62 each municipality in whose corporate limits or extraterritorial  
2-63 jurisdiction the district is located consents by ordinance or  
2-64 resolution.

2-65 Sec. 8229.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
2-66 RESOLUTIONS. The district shall comply with all applicable  
2-67 requirements of any ordinance or resolution adopted by the City  
2-68 Council of the City of Fort Worth.

2-69 Sec. 8229.104. PAYMENT OF IMPACT FEES. (a) A municipality

3-1 that provides water or wastewater service to a new development  
3-2 located in the district may impose impact fees as provided by  
3-3 Chapter 395, Local Government Code.

3-4 (b) Notwithstanding the provisions of Chapter 395, Local  
3-5 Government Code, regarding the time and method of payment of impact  
3-6 fees, the fees may be paid by the district, the landowner, or the  
3-7 developer under an agreement with the municipality.

3-8 Sec. 8229.105. LIMIT ON EMINENT DOMAIN POWER. The district  
3-9 may exercise the power of eminent domain outside the district only  
3-10 to acquire an easement necessary for pipeline, storm water, or  
3-11 drainage facilities that serve the district.

3-12 [Sections 8229.106-8229.150 reserved for expansion]

3-13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-14 Sec. 8229.151. TAX TO REPAY BONDS. The district may impose  
3-15 a tax to pay the principal of and interest on bonds issued under  
3-16 Section 8229.201.

3-17 [Sections 8229.152-8229.200 reserved for expansion]

3-18 SUBCHAPTER E. BONDS

3-19 Sec. 8229.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-20 OBLIGATIONS. (a) The district may issue bonds or other obligations  
3-21 as provided by Chapters 49 and 54, Water Code, and to finance the  
3-22 construction, maintenance, or operation of projects under Sections  
3-23 8229.101 and 8229.102.

3-24 (b) The district may not issue bonds to finance projects  
3-25 authorized by Section 8229.102 unless the issuance is approved by a  
3-26 vote of a two-thirds majority of district voters voting at an  
3-27 election called for that purpose.

3-28 (c) Bonds or other obligations issued or incurred to finance  
3-29 projects authorized by Section 8229.102 may not exceed one-fourth  
3-30 of the assessed value of the real property in the district.

3-31 SECTION 1.02. The Morning Star Ranch Municipal Utility  
3-32 District No. 1 of Parker County initially includes all the  
3-33 territory contained in the following area:

3-34 BEING situated in the M. Teter Survey, Abstract Number 2070,  
3-35 the J. Morris Survey, Abstract Number 927, the P. McClary Survey,  
3-36 Abstract Number 907, and the W. Cagle Survey, Abstract Number 2373,  
3-37 Parker County, Texas, and being a portion of that certain tract of  
3-38 land described by deed to Boca Raton Apartments, LLC, et al as  
3-39 recorded in Volume 2388, Page 295, Deed Records, Parker County,  
3-40 Texas, and being more particularly described by metes and bounds as  
3-41 follows:

3-42 BEGINNING at a Texas Department of Transportation (TxDOT)  
3-43 monument found at the northwest corner of said Boca Raton tract,  
3-44 said monument also being the southwest corner of that certain Tract  
3-45 1 described by deed to the Lyon Living Trust as recorded in Volume  
3-46 1870, Page 1479, Deed Records, Parker County, Texas, and being in  
3-47 the existing east right-of-way line of FM 3325 (a variable width  
3-48 public right-of-way);

3-49 THENCE S 89°14'27"E, 2434.74 feet along the common line of  
3-50 said Boca Raton tract and said Lyon tract to a fence post found at an  
3-51 ell corner in the north line of said Boca Raton tract, said post  
3-52 also being the southeast corner of said Tract 1, and being in the  
3-53 west line of that certain Tract 2 described by deed to the Lyon  
3-54 Living Trust as recorded in Volume 1870, Page 1479, Deed Records,  
3-55 Parker County, Texas;

3-56 THENCE S 00°34'26"E, 247.95 feet along the common line of said  
3-57 Boca Raton tract and said Tract 2 to a fence post found;

3-58 THENCE S 90°00'00"E, 4213.23 feet, continuing along said  
3-59 common line of the Boca Raton tract and Tract 2 to a fence post found  
3-60 at the northeast corner of said Boca Raton tract, said post also  
3-61 being the southeast corner of said Tract 2;

3-62 THENCE S 00°23'50"W, 1811.87 feet to a fence post found in the  
3-63 north line of that certain tract of land described by deed to W.C.  
3-64 and Mildred F. Onken as recorded in Volume 1142, Page 646, Deed  
3-65 Records, Parker County, Texas;

3-66 THENCE S 89°36'00"W, 2076.68 feet along the common line of  
3-67 said Boca Raton tract and said Onken tract to a fence post found at  
3-68 the northwest corner of said Onken tract;

3-69 THENCE S 00°39'57"E, 4818.20 feet to a fence post found in the

4-1 north right-of-way line of Mary's Creek Road (a variable width  
4-2 public right-of-way);  
4-3 THENCE along said north right-of-way line of Mary's Creek  
4-4 Road the following bearings and distances:  
4-5 N 68°41'38"W, 340.65 feet to a fence post found;  
4-6 N 78°22'46"W, 382.24 feet to a fence post found;  
4-7 S 78°58'08"W, 296.38 feet to a fence post found;  
4-8 S 72°22'40"W, 628.68 feet to a fence post found;  
4-9 S 83°35'04"W, 195.27 feet to a fence post found;  
4-10 N 83°41'56"W, 75.28 feet;  
4-11 THENCE N 01°11'35"E, 386.71 feet, departing said north  
4-12 right-of-way line of Mary's Creek Road;  
4-13 THENCE N 40°54'11"E, 314.22 feet;  
4-14 THENCE N 77°08'44"E, 400.56 feet;  
4-15 THENCE N 83°48'14"E, 1204.34 feet;  
4-16 THENCE N 00°39'57"W, 2061.29 feet;  
4-17 THENCE S 84°59'09"W, 1081.20 feet;  
4-18 THENCE S 89°44'43"W, 512.63 feet;  
4-19 THENCE S 79°47'16"W, 43.34 feet;  
4-20 THENCE S 58°06'48"W, 45.86 feet;  
4-21 THENCE S 55°14'07"W, 85.21 feet to the beginning of a  
4-22 non-tangent curve to the left;  
4-23 THENCE 279.90 feet with said non-tangent curve to the left,  
4-24 through a central angle of 30°15'31", having a radius of 530.00  
4-25 feet, the long chord of which bears N 35°08'14"W, 276.66 feet;  
4-26 THENCE N 50°15'59"W, 544.29 feet to the beginning of a curve  
4-27 to the right;  
4-28 THENCE 412.70 feet with said curve to the right, through a  
4-29 central angle of 50°18'37", having a radius of 470.00 feet, the long  
4-30 chord of which bears N 25°06'41"W, 399.57 feet;  
4-31 THENCE N 00°02'38"E, 1271.27 feet to the beginning of a curve  
4-32 to the right;  
4-33 THENCE 176.02 feet with said curve to the right, through a  
4-34 central angle of 21°27'27", having a radius of 470.00 feet, the long  
4-35 chord of which bears N 10°46'21"E, 174.99 feet;  
4-36 THENCE N 21°30'05"E, 188.51 feet to the beginning of a  
4-37 non-tangent curve to the right;  
4-38 THENCE 55.01 feet with said non-tangent curve to the right,  
4-39 through a central angle of 02°45'09", having a radius of 1145.00  
4-40 feet, the long chord of which bears N 68°37'26"W, 55.00 feet;  
4-41 THENCE N 21°30'05"E, 177.23 feet;  
4-42 THENCE N 68°29'55"W, 56.74 feet to the beginning of a curve to  
4-43 the right;  
4-44 THENCE 169.63 feet with said curve to the right, through a  
4-45 central angle of 20°27'40", having a radius of 475.00 feet, the long  
4-46 chord of which bears N 58°16'05"W, 168.73 feet;  
4-47 THENCE N 48°02'15"W, 111.56 feet;  
4-48 THENCE N 41°57'45"E, 239.52 feet to the beginning of a curve  
4-49 to the right;  
4-50 THENCE 121.19 feet with said curve to the right, through a  
4-51 central angle of 13°13'35", having a radius of 525.00 feet, the long  
4-52 chord of which bears N 48°34'33"E, 120.92 feet;  
4-53 THENCE N 55°11'20"E, 171.72 feet;  
4-54 THENCE N 34°48'40"W, 40.32 feet to the beginning of a curve to  
4-55 the left;  
4-56 THENCE 34.63 feet with said curve to the left, through a  
4-57 central angle of 13°13'35", having a radius of 150.00 feet, the long  
4-58 chord of which bears N 41°25'27"W, 34.55 feet;  
4-59 THENCE N 48°02'15"W, 41.28 feet;  
4-60 THENCE N 44°48'57"E, 133.15 feet;  
4-61 THENCE N 28°05'58"E, 65.00 feet;  
4-62 THENCE N 15°08'17"E, 96.62 feet;  
4-63 THENCE N 00°04'22"W, 232.45 feet;  
4-64 THENCE S 90°00'00"E, 51.12 feet;  
4-65 THENCE N 00°34'26"W, 350.18 feet;  
4-66 THENCE N 89°14'27"W, 1398.20 feet;  
4-67 THENCE S 00°04'22"E, 274.34 feet;  
4-68 THENCE S 41°57'45"W, 244.70 feet;  
4-69 THENCE S 35°36'14"W, 67.56 feet;

5-1           THENCE S 14°44'51"W, 168.36 feet;  
5-2           THENCE S 03°02'39"W, 189.13 feet;  
5-3           THENCE S 85°53'56"E, 7.08 feet;  
5-4           THENCE S 00°10'00"E, 796.20 feet;  
5-5           THENCE S 79°19'36"W, 682.91 feet to a TxDOT monument found in  
5-6 the east right-of-way line of FM 3325, said monument also being the  
5-7 beginning of a non-tangent curve to the right;  
5-8           THENCE 581.35 feet with said non-tangent curve to the right,  
5-9 through a central angle of 18°00'22", having a radius of 1849.86  
5-10 feet, the long chord of which bears N 09°24'15"W, 578.96 feet to a  
5-11 TxDOT monument found;  
5-12           THENCE N 00°25'13"W, 796.84 feet along said east right-of-way  
5-13 line of FM 3325 to a TxDOT monument found at the beginning of a curve  
5-14 to the right;

5-15           THENCE 461.63 feet with said curve to the right, through a  
5-16 central angle of 03°29'23", having a radius of 7579.44 feet, the  
5-17 long chord of which bears N 01°21'16"E, 461.56 feet to the POINT OF  
5-18 BEGINNING and containing 360.991 acres of land, more or less.

5-19           ARTICLE 2. MORNING STAR RANCH MUNICIPAL UTILITY DISTRICT NO. 2  
5-20           SECTION 2.01. Subtitle F, Title 6, Special District Local  
5-21 Laws Code, is amended by adding Chapter 8230 to read as follows:

5-22           CHAPTER 8230. MORNING STAR RANCH MUNICIPAL UTILITY  
5-23                           DISTRICT NO. 2 OF PARKER COUNTY  
5-24                           SUBCHAPTER A. GENERAL PROVISIONS

5-25           Sec. 8230.001. DEFINITIONS. In this chapter:

- 5-26                   (1) "Board" means the district's board of directors.
- 5-27                   (2) "Director" means a board member.
- 5-28                   (3) "District" means the Morning Star Ranch Municipal

5-29 Utility District No. 2 of Parker County.

5-30           Sec. 8230.002. NATURE OF DISTRICT. The district is a  
5-31 municipal utility district in Parker County created under and  
5-32 essential to accomplish the purposes of Section 59, Article XVI,  
5-33 Texas Constitution.

5-34           Sec. 8230.003. CONFIRMATION ELECTION REQUIRED. If the  
5-35 creation of the district is not confirmed at a confirmation  
5-36 election held under Section 8230.024 before September 1, 2011:

- 5-37                   (1) the district is dissolved September 1, 2011,  
5-38 except that the district shall:
  - 5-39                           (A) pay any debts incurred;
  - 5-40                           (B) transfer any assets that remain after the  
5-41 payment of debts to Parker County; and
  - 5-42                           (C) maintain the organization of the district  
5-43 until all debts are paid and remaining assets are transferred; and
- 5-44                   (2) this chapter expires September 1, 2014.

5-45           Sec. 8230.004. INITIAL DISTRICT TERRITORY. (a) The  
5-46 district is initially composed of the territory described by  
5-47 Section 2.02 of the Act creating this chapter.

5-48           (b) The boundaries and field notes contained in Section 2.02  
5-49 of the Act creating this chapter form a closure. A mistake made in  
5-50 the field notes or in copying the field notes in the legislative  
5-51 process does not affect:

- 5-52                   (1) the organization, existence, or validity of the  
5-53 district;
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5-56 indebtedness; or
- 5-57                   (4) the legality or operation of the board.

5-58           [Sections 8230.005-8230.020 reserved for expansion]

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5-63 requesting that the commission appoint as temporary directors the  
5-64 five persons named in the petition.

5-65           (b) The commission shall appoint as temporary directors the  
5-66 five persons named in the first petition received by the commission  
5-67 under Subsection (a).

5-68           (c) If a temporary director fails to qualify for office, the  
5-69 commission shall appoint a person to fill the vacancy.

6-1 (d) Temporary directors serve until the earlier of:  
6-2 (1) the date directors are elected under Section  
6-3 8230.024; or  
6-4 (2) the date this chapter expires under Section  
6-5 8230.003.

6-6 Sec. 8230.022. ORGANIZATIONAL MEETING OF TEMPORARY  
6-7 DIRECTORS. As soon as practicable after all the temporary  
6-8 directors have qualified under Section 49.055, Water Code, the  
6-9 temporary directors shall meet at a location in the district  
6-10 agreeable to a majority of the directors. At the meeting the  
6-11 temporary directors shall elect officers from among the temporary  
6-12 directors and conduct any other district business.

6-13 Sec. 8230.023. CONSENT AND AGREEMENT REQUIRED. The  
6-14 temporary directors may not hold an election under Section 8230.024  
6-15 until each municipality in whose corporate limits or  
6-16 extraterritorial jurisdiction the district is located, if any, has:

6-17 (1) adopted a resolution confirming its consent to the  
6-18 creation of the district after the effective date of the Act  
6-19 creating this chapter; and

6-20 (2) entered into an agreement with the developer of  
6-21 land in the district relating to the terms of development of the  
6-22 district, including coordination with the independent school  
6-23 district in whose territory the land being developed is located.

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6-30 determine which two shall serve until the first regularly scheduled  
6-31 election of directors under Section 8230.052 and which three shall  
6-32 serve until the second regularly scheduled election of directors.

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6-42 number of directors shall be elected.

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6-53 graveled, or paved roads, or improvements in aid of those roads,  
6-54 inside the district.

6-55 (b) A road project must meet all applicable construction  
6-56 standards, zoning and subdivision requirements, and regulatory  
6-57 ordinances of each municipality in whose corporate limits or  
6-58 extraterritorial jurisdiction the district is located.

6-59 (c) The district may not undertake a road project unless  
6-60 each municipality in whose corporate limits or extraterritorial  
6-61 jurisdiction the district is located consents by ordinance or  
6-62 resolution.

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6-64 RESOLUTIONS. The district shall comply with all applicable  
6-65 requirements of any ordinance or resolution adopted by the City  
6-66 Council of the City of Fort Worth.

6-67 Sec. 8230.104. PAYMENT OF IMPACT FEES. (a) A municipality  
6-68 that provides water or wastewater service to a new development  
6-69 located in the district 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, the landowner, or the developer under an agreement with the municipality.

Sec. 8230.105. 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 8230.106-8230.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8230.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of and interest on bonds issued under Section 8230.201.

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SUBCHAPTER E. BONDS

Sec. 8230.201. 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, and to finance the construction, maintenance, or operation of projects under Sections 8230.101 and 8230.102.

(b) The district may not issue bonds to finance projects authorized by Section 8230.102 unless the issuance is approved by a vote of a two-thirds majority of district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 8230.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2.02. The Morning Star Ranch Municipal Utility District No. 2 of Parker County initially includes all the territory contained in the following area:

BEING situated in the M. Teter Survey, Abstract Number 2070, the P. McClary Survey, Abstract Number 907, and the W. Cagle Survey, Abstract Number 2373, Parker County, Texas, and being a portion of that certain tract of land described by deed to Boca Raton Apartments, LLC, et al as recorded in Volume 2388, Page 295, Deed Records, Parker County, Texas, and all of that certain tract of land described by deed to Boca Raton Apartments, LLC, et al as recorded in Volume 2388, Page 306, Deed Records, Parker County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a Texas Department of Transportation (TxDOT) monument found at the northwest corner of said Boca Raton tract recorded in Volume 2388, Page 295, said monument also being the southwest corner of that certain Tract 1 described by deed to the Lyon Living Trust as recorded in Volume 1870, Page 1479, Deed Records, Parker County, Texas, and being in the existing east right-of-way line of FM 3325 (a variable width public right-of-way) and the beginning of a curve to the left;

THENCE 461.63 feet along said east right-of-way line of FM 3325 and with said curve to the left, through a central angle of 03°29'23", having a radius of 7579.44 feet, the long chord of which bears S 01°21'16"W, 461.56 feet to a TxDOT monument found;

THENCE S 00°25'13"E, 796.84 feet, continuing along said east right-of-way line of FM 3325 to a TxDOT monument found at the beginning of a curve to the left;

THENCE 581.35 feet, continuing along said east right-of-way line of FM 3325 and with said curve to the left, through a central angle of 18°00'22", having a radius of 1849.86 feet, the long chord of which bears S 09°24'15"E, 578.96 feet to a TxDOT monument found at the POINT OF BEGINNING;

THENCE N 79°19'36"E, 682.91 feet, departing said east right-of-way line of FM 3325;

THENCE N 00°10'00"W, 796.20 feet;

THENCE N 85°53'56"W, 7.08 feet;

THENCE N 03°02'39"E, 189.13 feet;

THENCE N 14°44'51"E, 168.36 feet;

THENCE N 35°36'14"E, 67.56 feet;

THENCE N 41°57'45"E, 244.70 feet;

THENCE N 00°04'22"W, 274.34 feet;

8-1           THENCE S 89°14'27"E, 1398.20 feet;  
 8-2           THENCE S 00°34'26"E, 350.18 feet;  
 8-3           THENCE N 90°00'00"W, 51.12 feet;  
 8-4           THENCE S 00°04'22"E, 232.45 feet;  
 8-5           THENCE S 15°08'17"W, 96.62 feet;  
 8-6           THENCE S 28°05'58"W, 65.00 feet;  
 8-7           THENCE S 44°48'57"W, 133.15 feet;  
 8-8           THENCE S 48°02'15"E, 41.28 feet to the beginning of a curve to  
 8-9 the right;  
 8-10          THENCE 34.63 feet with said curve to the right, through a  
 8-11 central angle of 13°13'35", having a radius of 150.00 feet, the long  
 8-12 chord of which bears S 41°25'27"E, 34.55 feet;  
 8-13          THENCE S 34°48'40"E, 40.32 feet;  
 8-14          THENCE S 55°11'20"W, 171.72 feet to the beginning of a curve  
 8-15 to the left;  
 8-16          THENCE 121.19 feet with said curve to the left, through a  
 8-17 central angle of 13°13'35", having a radius of 525.00 feet, the long  
 8-18 chord of which bears S 48°34'33"W, 120.92 feet;  
 8-19          THENCE S 41°57'45"W, 239.52 feet;  
 8-20          THENCE S 48°02'15"E, 111.56 feet to the beginning of a curve  
 8-21 to the left;  
 8-22          THENCE 169.63 feet with said curve to the left, through a  
 8-23 central angle of 20°27'40", having a radius of 475.00 feet, the long  
 8-24 chord of which bears S 58°16'05"E, 168.73 feet;  
 8-25          THENCE S 68°29'55"E, 56.74 feet;  
 8-26          THENCE S 21°30'05"W, 177.23 feet to the beginning of a  
 8-27 non-tangent curve to the left;  
 8-28          THENCE 55.01 feet with said non-tangent curve to the left,  
 8-29 through a central angle of 02°45'09", having a radius of 1145.00  
 8-30 feet, the long chord of which bears S 68°37'26"E, 55.00 feet;  
 8-31          THENCE S 21°30'05"W, 188.51 feet to the beginning of a curve  
 8-32 to the left;  
 8-33          THENCE 176.02 feet with said curve to the left, through a  
 8-34 central angle of 21°27'27", having a radius of 470.00 feet, the long  
 8-35 chord of which bears S 10°46'21"W, 174.99 feet;  
 8-36          THENCE S 00°02'38"W, 1271.27 feet to the beginning of a curve  
 8-37 to the left;  
 8-38          THENCE 412.70 feet with said curve to the left, through a  
 8-39 central angle of 50°18'37", having a radius of 470.00 feet, the long  
 8-40 chord of which bears S 25°06'41"E, 399.57 feet;  
 8-41          THENCE S 50°15'59"E, 544.29 feet to the beginning of a curve  
 8-42 to the right;  
 8-43          THENCE 279.90 feet with said curve to the right, through a  
 8-44 central angle of 30°15'31", having a radius of 530.00 feet, the long  
 8-45 chord of which bears S 35°08'14"E, 276.66 feet;  
 8-46          THENCE N 55°14'07"E, 85.21 feet;  
 8-47          THENCE N 58°06'48"E, 45.86 feet;  
 8-48          THENCE N 79°47'16"E, 43.34 feet;  
 8-49          THENCE N 89°44'43"E, 512.63 feet;  
 8-50          THENCE N 84°59'09"E, 1081.20 feet;  
 8-51          THENCE S 00°39'57"E, 2061.29 feet;  
 8-52          THENCE S 83°48'14"W, 1204.34 feet;  
 8-53          THENCE S 77°08'44"W, 400.56 feet;  
 8-54          THENCE S 40°54'11"W, 314.22 feet;  
 8-55          THENCE S 01°11'35"W, 386.71 feet to a point in the south line  
 8-56 of said Boca Raton tract recorded in Volume 2388, Page 295, said  
 8-57 point also being in the north right-of-way line of Mary's Creek Road  
 8-58 (a variable width public right-of-way);  
 8-59          THENCE along said north right-of-way line of Mary's Creek  
 8-60 Road the following bearings and distances:  
 8-61 N 83°41'56"W, 57.44 feet to a fence post found;  
 8-62 N 64°18'37"W, 160.48 feet to a fence post found;  
 8-63 N 80°29'46"W, 540.38 feet to a fence post found;  
 8-64 N 89°24'18"W, 1436.95 feet to a TxDOT monument found at the south end  
 8-65 of a corner clip at the intersection of said north right of way line  
 8-66 of Mary's Creek Road and the aforementioned east right-of-way line  
 8-67 of FM 3325;  
 8-68          THENCE N 44°34'43"W, 71.60 feet to a TxDOT monument found at  
 8-69 the north end of said corner clip;



