

By: Laubenberg

H.B. No. 4085

A BILL TO BE ENTITLED

AN ACT

1
2 Relating to the creation, administration, powers, duties,
3 operation, and financing of Triple Creek Municipal Management
4 District within the City of McLendon-Chisholm, Texas, and in
5 Rockwall and Kaufman Counties, to the services by the district, and
6 to the development of the district's territory, neighboring areas
7 within and outside the city's corporate limits, and providing the
8 authority to issue bonds, to levy and collect taxes, to levy
9 assessments, to collect other revenues, and to provide beneficial
10 services to the residents of the district and to the city.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

12 SECTION 1. Title 4, Special District Local Laws Code is
13 amended by adding Chapter XXXX to read as follows:

14 CHAPTER XXXX. TRIPLE CREEK MUNICIPAL MANAGEMENT DISTRICT

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Sec. XXXX.001. DEFINITIONS. In this chapter:

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

19 (2) "City" means the City of McLendon-Chisholm, Texas,
20 located partially in Rockwall County and partially in Kaufman
21 County, Texas.

22 (3) "District" means the Triple Creek Municipal
23 Management District.

24 (4) "Improvement Project" means any program or project

1 authorized by this chapter, inside or outside the boundaries of the
2 district that is determined by the board to be necessary to
3 accomplish the public purposes of the district.

4 (5) "Territory" means the land located within the
5 district's boundaries, as defined in this act.

6 Sec. XXXX.002. CREATION AND NAMING OF DISTRICT. (a) The
7 Triple Creek Municipal Management District is created as a special
8 district under and pursuant to the provisions of Section 59,
9 Article XVI, Texas Constitution.

10 (b) The board by resolution may change the district's name
11 and shall give written notice of such change and the new name to the
12 city.

13 (c) The district is a unit of government for the purposes of
14 Chapter 101, Civil Practice and Remedies Code (the "Texas Tort
15 Claims Act"), and operations of the district are considered to be
16 essential governmental functions and not proprietary functions for
17 all purposes, including the application of the Texas Tort Claims
18 Act.

19 (d) This chapter shall be liberally construed in conformity
20 with the findings and purposes stated in this chapter.

21 (e) If any provision of the general law is in conflict or
22 inconsistent with this chapter, this chapter prevails.

23 Sec. XXXX.003. INITIAL DISTRICT TERRITORY. (a) The District
24 is initially composed of the territory described in Section 2 of the
25 Act creating this chapter.

26 (b) A mistake made in the field notes or in copying the field
27 notes in the legislative process does not affect:

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

3 (2) the right and power of the district to impose and
4 collect ad valorem taxes, to levy, collect and enforce assessments,
5 and to impose fees and collect other revenues authorized in this
6 chapter; or

7 (3) the right or power of the board to enter into any
8 type of contract, including the issuance of bonds or other
9 obligations, for the purposes for which the district is created, or
10 the legality or operations of the board.

11 (c) The board may add, delete, or exclude territory in the
12 manner provided by Subchapter J, Chapter 49, Water Code, as limited
13 by Section 54.016, Water Code, except that:

14 (1) No land shall be added to or excluded from the
15 district (A) unless and until such change in the territory is
16 approved by the governing body of the city; and (B) the addition or
17 exclusion is approved by the owners of the land being added or
18 excluded;

19 (2) For purposes of this subdivision, a reference in
20 Subchapter J, Chapter 49, Water Code, or Section 54.016, Water
21 Code, to a tax means an ad valorem tax;

22 (3) Section 54.016, Water Code, and Section 42.042,
23 Local Government Code, do not apply to the district's annexation of
24 land restricted primarily to commercial or business use; and

25 (4) Land may not be removed or de-annexed from the
26 district at any time during which any bonds or other obligations of
27 the district that are payable, in whole or in part, from ad valorem

1 taxes on such land are outstanding.

2 Sec. XXXX.004. PURPOSE, DECLARATION OF INTENT. (a) The
3 creation of the district is essential to accomplish the purposes of
4 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
5 Texas Constitution, and other public purposes stated in this
6 chapter. By creating the district and in authorizing the City and
7 other political subdivisions to contract with the district, the
8 legislature has established a program to accomplish the public
9 purposes set out in Section 52-a, Article III, Texas Constitution.

10 (b) The creation of the district is necessary to promote,
11 develop, encourage, and maintain employment, commerce,
12 transportation, housing, tourism, recreation, the arts,
13 entertainment, economic development, safety, and the public
14 welfare in the district.

15 (c) This chapter and the creation of the district may not be
16 interpreted to relieve the City or Rockwall and Kaufman Counties
17 from providing the level of services provided as of the effective
18 date of this Act to the area in the district. The district is
19 created to supplement and not to supplant the county or city
20 services provided in the area in the district.

21 Sec. XXXX.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
22 The district is created to serve a public use and benefit.

23 (b) All land and other property included in the district
24 will benefit from the improvement projects and services to be
25 provided by the district under powers conferred by Sections 52 and
26 52-a, Article III, and Section 59, Article XVI, Texas Constitution,
27 and other powers granted under this chapter.

1 (c) The creation of the district is in the public interest
2 and is essential to further the public purposes of developing and
3 diversifying the economy of the state; eliminate unemployment and
4 underemployment; provide quality residential housing, and develop
5 or expand transportation and commerce.

6 (d) The district will promote the health, safety, and
7 general welfare of residents, employers, potential employees,
8 employees, visitors, and consumers in the district, and of the
9 public; will provide needed funding for the district to preserve,
10 maintain, and enhance the economic health and vitality of the
11 district territory as a residential community and business center;
12 and will promote the health, safety, welfare, and enjoyment of the
13 public by providing pedestrian ways and by landscaping and
14 developing certain areas in the district, which are necessary for
15 the restoration, preservation, and enhancement of scenic beauty.

16 (e) Pedestrian ways along or across a street, whether at
17 grade or above or below the surface, and street lighting, street
18 landscaping, and street art objects are parts of and necessary
19 components of a street and are considered to be Improvement
20 Projects that include street or road improvements.

21 (f) The district will not act as the agent or
22 instrumentality of any private interest even though the district
23 will benefit many private interests as well as the public.

24 SUBCHAPTER B. GENERAL POWERS AND DUTIES

25 SEC. XXXX.006. APPLICABLE RIGHTS AND LAWS. (a) The district
26 has all of the powers and duties provided by the following general
27 laws of this state:

1 (1) the general laws of this state relating to
2 conservation and reclamation districts created under Section 59,
3 Article XVI, Texas Constitution, including Chapters 49 and 54,
4 Water Code, except that the district's bonds, and other securities
5 are not subject to the jurisdiction or supervision of the
6 commission under Chapter 49, Water Code, or other law;

7 (2) the general laws of this state relating to road
8 districts and road utility districts created under Section 52(b),
9 Article III, Texas Constitution, including, but not limited to,
10 Chapter 441, Transportation Code;

11 (3) all of the rights and powers of a district under
12 Subchapters A, E, and F of Chapter 375, Local Government Code, and
13 the provisions of the other Subchapters of Chapter 375 that are not
14 inconsistent with this chapter;

15 (4) all of the rights and powers of a municipality to
16 impose, levy, and collect special assessments based on benefits to
17 property under Subchapter A of Chapter 372, Local Government Code,
18 except that the power to levy special assessments on property shall
19 be limited to property located within the territory of the
20 district; and

21 (5) all of the rights and powers of a corporation
22 created under Section 4B, Development Corporation Act of 1979,
23 Article 5190.6, Vernon's Texas Civil Statutes.

24 (b) Those provisions of Chapter 375, Local Government Code,
25 that relate to the powers and jurisdiction of the Texas Commission
26 on Environmental Quality and to the restrictions applicable to
27 residential property shall not apply to the district.

1 (c) Any general law that supplements the power and authority
2 of the district, to the extent not in conflict or not inconsistent
3 with this chapter, is adopted and incorporated by reference.

4 (d) The district, by resolution of the board, may authorize
5 the incorporation of a nonprofit corporation to assist and act on
6 behalf of the district in implementing an improvement project or
7 providing services authorized by this chapter, subject to and in
8 accordance with the following:

9 (1) The board shall appoint the board of directors of a
10 nonprofit corporation created under this section, and the board of
11 directors of the nonprofit corporation shall serve in the same
12 manner, term, and conditions as a board of directors of a local
13 government corporation created under Chapter 431, Transportation
14 Code;

15 (2) A nonprofit corporation created under this section
16 has the powers of and is considered for purposes of this chapter to
17 be a local government corporation created under Chapter 431,
18 Transportation Code; and

19 (3) A nonprofit corporation created under this section
20 may implement any improvement project and provide any service
21 authorized by this chapter and approved by the board.

22 (e) The district may create economic development programs
23 and exercise the economic development powers and authority that
24 Chapter 380, Local Government Code, provides to a municipality with
25 a population of more than 100,000, and Chapter 1509, Government
26 Code, provides to any municipality.

27 (f) The board may employ and establish the terms of

1 employment and compensation of an executive director or general
2 manager, and any other employees of the district the board
3 considers necessary.

4 (g) The district shall have the power of eminent domain,
5 within and without its territory for its public purposes to the
6 extent and for the purposes provided in this subsection. Such power
7 shall be exercised in the manner permitted for municipalities under
8 the laws of the state, but such power shall not be exercised except
9 with the approval of the governing body of the city. It is provided,
10 however, that the district may not exercise the power of eminent
11 domain for any purpose except to acquire rights-of-way as may be
12 necessary or appropriate for the construction, improvement,
13 repair, or maintenance of streets and highways within or adjacent
14 to the district, and for easements necessary or appropriate for
15 off-site water or wastewater infrastructure.

16 (h) The district shall have the power to impose impact fees,
17 including an impact fee on residential and/or commercial property.
18 Such impact fees shall be for the purposes of providing capital
19 funding and/or maintenance and operating funds for improvement
20 projects authorized in Section XXXX.007 of this chapter. However,
21 the district is expressly prohibited from levying and imposing such
22 impact fees on the property, equipment, and facilities of a public
23 utility provider within the territory of the district.

24 SEC. XXXX.007. POWER TO PROVIDE IMPROVEMENT PROJECTS. (a) The
25 district may provide, conduct and authorize, or it may enter into
26 contracts with any governmental entity or private party to provide,
27 the following activities and services and the following types of

1 improvement projects or activities in support of or incidental to
2 its improvement projects:

3 (1) retail or wholesale water treatment, supply and
4 distribution facilities and systems for the purpose of providing
5 potable and non-potable water to the residents and businesses of
6 the district, and including wastewater and sewerage collection and
7 treatment facilities and systems, provided that treated effluent
8 water resulting from any sewerage treatment facilities operated by
9 or within the boundaries of the district may be used by the district
10 for irrigation purposes within the district;

11 (2) the provision of septic tank maintenance services
12 within the district and without the district and of solid waste
13 disposal services if the board determines such action to be
14 necessary and appropriate to protect the district;

15 (3) macadamized, graveled, or paved roads, streets,
16 and turnpikes, inside and outside the district's territory to the
17 full extent authorized by Section 52, Article III, Texas
18 Constitution;

19 (4) the planning, design, construction, improvement,
20 and maintenance of landscaping; highway right-of-way or transit
21 corridor beautification and improvements; lighting, banners, and
22 signs; streets or sidewalks; hiking and cycling paths and trails,
23 pedestrian walkways, skywalks, crosswalks, or tunnels; parks,
24 lakes, gardens, recreational and sports facilities, open space,
25 scenic areas, and related exhibits and preserves; fountains,
26 plazas, and pedestrian malls; drainage or storm water detention
27 improvements;

1 (5) protection and improvement of storm water quality
2 that flows through the district;

3 (6) the planning, design, construction, improvement,
4 maintenance, and operation of solid waste, water, sewer, or power
5 facilities or services, including electrical, gas, steam, and
6 chilled water facilities; or off-street parking facilities and
7 heliports;

8 (7) the planning and acquisition of public art and
9 sculpture and related exhibits and facilities, including
10 educational and cultural exhibits and facilities;

11 (8) the planning, design, construction, acquisition,
12 lease, rental, improvement, maintenance, installation, and
13 management of and provision of furnishings for facilities for
14 conferences, conventions, or exhibitions; manufacturer, consumer,
15 or trade shows; civic, community, or institutional events; and
16 exhibits, displays, attractions, special events, and seasonal or
17 cultural celebrations and holidays;

18 (9) the removal, razing, demolition, or clearing of
19 land or improvements in connection with any improvement project;

20 (10) the acquisition and improvement of land and other
21 property for the mitigation of the environmental effects of any
22 improvement project;

23 (11) the acquisition of real or personal property or
24 an interest in real or personal property in connection with an
25 authorized improvement project;

26 (12) any special or supplemental services for the
27 improvement and promotion of the district or the areas adjacent to

1 the district or for the protection of public health and safety
2 within or adjacent to the district, including advertising,
3 promotion, tourism, health and sanitation, telecommunications and
4 cable services to residents and businesses in the district, public
5 safety, security, fire protection or emergency medical services,
6 business recruitment, development, elimination of traffic
7 congestion, and recreational, educational, or cultural
8 improvements, enhancements, and services; and

9 (13) any similar public improvements, facilities, or
10 services.

11 (b) Any and all of the improvement projects described and
12 authorized in subsection (a) of this section are subject to, and
13 must comply with, the applicable codes and ordinances of the city.
14 The district may not provide, conduct or authorize any improvement
15 project on or within the city streets, highways, rights-of-way, or
16 easements without the consent of the governing body of the city.

17 (c) Subject to the terms and provisions of the Interlocal
18 Project Development Agreement required by section XXXX.011(a)(2)
19 hereof, the city may:

20 (1) require that title to all or any portion of
21 improvement projects shall vest in the city in accordance with the
22 codes and ordinances of the city; or

23 (2) by ordinance or other directive authorize the
24 district to own, encumber, maintain, and operate any portion or all
25 of the improvement projects, upon, after and from the date of
26 completion thereof, subject to the right of the city to order
27 subsequent conveyances of such properties to the city on dates set

1 by the city.

2 (d) All or any part of the territory of the district is
3 eligible to be included in:

4 (1) a tax increment reinvestment zone created by the
5 city under Chapter 311, Tax Code;

6 (2) a tax abatement reinvestment zone created by the
7 city under Chapter 312, Tax Code; and/or

8 (3) an enterprise zone created by the city under
9 Chapter 2303, Government Code.

10 SEC. XXXX.008. POWERS RELATED GENERALLY TO CONTRACTS AND
11 FINANCIAL MATTERS. (a) The district may:

12 (1) impose an ad valorem tax on all taxable property
13 within the district, and/or special assessments on property within
14 the district in accordance with Subchapters A, E, and F of Chapter
15 375, and special assessments in accordance with this chapter and
16 with Subchapter A of Chapter 372, Local Government Code, including
17 industrial, commercial, and residential property, in order to
18 finance and provide improvement projects, subject to the
19 requirements and limitations contained in this chapter;

20 (2) impose rates, fees, including impact fees, and
21 other charges for the use of any improvement project or the
22 consumption of any product accruing therefrom;

23 (3) borrow money for district purposes by issuing or
24 executing bonds, notes; credit agreements or other obligations of
25 any kind found by the board to be necessary or appropriate to the
26 purposes and powers of the district, the same to be secured by and
27 payable from ad valorem taxes, and/or special assessments, and/or

1 an other revenues of the district;

2 (4) enter into a contract with the city and/or either
3 or both of Rockwall County and Kaufman County, or with any retail
4 water provider or provider of wastewater services, for the
5 accomplishment of any district purpose, including a contract for:

6 (A) the sharing of specified revenues and income
7 of the district, and/or the payment, repayment, or reimbursement of
8 any costs incurred by that person for or on behalf of the district,
9 including all or part of the costs of any improvement project and
10 interest on the reimbursed cost; and/or

11 (B) the use, occupancy, lease, rental,
12 operation, maintenance, or management of all or part of a proposed
13 or existing improvement project; and/or

14 (C) the performance of any governmental service,
15 such as, but not limited to, law enforcement services and/or fire
16 protection services.

17 (5) apply for and contract with any person to receive,
18 administer, and perform any duty or obligation of the district
19 under any federal, state, local, or private gift, grant, loan,
20 conveyance, transfer, bequest, donation, or other financial
21 assistance arrangement relating to the investigation, planning,
22 analysis, study, design, acquisition, construction, improvement,
23 completion, implementation, or operation by the district or others
24 of a proposed or existing improvement project;

25 (6) establish, revise, repeal, enforce, collect, and
26 apply the proceeds from user fees or charges for the enjoyment,
27 sale, rental, or other use of the district's facilities, services,

1 properties, or improvement projects;

2 (7) provide or secure the payment or repayment of the
3 costs and expenses of the establishment, administration, and
4 operation of the district and the district's costs or share of the
5 costs of, and/or the revenues from, any improvement project or
6 district contractual obligation or indebtedness by or through a
7 lease, installment purchase contract, or other agreement with any
8 person, or the levy and collection of taxes, and/or assessments,
9 user fees, concessions, rentals, or other revenues or other
10 resources of the district;

11 (8) establish user charges related to the operation of
12 various public services, including public water supply services,
13 for the collection and treatment of wastewater, and for the
14 operation of stormwater facilities, including the regulation of
15 stormwater for the protection of water quality in the district, and
16 for the provision of septic tank maintenance services within and
17 without the district;

18 (9) undertake separately or jointly with other
19 persons, including the city and/or Rockwall County or Kaufman
20 County, all or part of the cost of an improvement project, including
21 an improvement project:

22 (A) for improving, enhancing, and supporting
23 public safety and security, fire protection and emergency medical
24 services, and law enforcement within and adjacent to the district;
25 or

26 (B) that confers a general benefit on the entire
27 district or a special benefit on a definable part of the district;

1 and

2 (10) enter into tax abatement agreements in accordance
3 with the general laws of the state authorizing and applicable to
4 such agreements by municipalities.

5 (b) A contract the district enters into to carry out a
6 purpose of this chapter may be on any terms and for any period of
7 time as the board may determine; provided, however, that any
8 contract payable from ad valorem taxes for a period longer than one
9 year must be approved by the governing body of the city.
10 Notwithstanding any other law, rule or regulation, a state agency,
11 the city and any other municipality, Rockwall County, Kaufman
12 County, and any other political subdivision, any corporation,
13 individual, or other entity may contract with the district to carry
14 out the purposes of this chapter without any further authorization.

15 SEC. XXXX.009. RULES AND REGULATIONS; ZONING; AND SECURITY.

16 (a) The district may adopt, amend, and enforce by ordinary civil
17 remedies, including but not limited to injunctive relief,
18 reasonable rules and regulations:

19 (1) for the administration and operation of the
20 district;

21 (2) for the use, enjoyment, availability, protection,
22 security, and maintenance of the district's properties and
23 facilities; and

24 (3) to provide for public safety and security within
25 the district.

26 (b) The board by rule may regulate the private use of public
27 roadways, open spaces, parks, sidewalks, and similar public areas

1 within the district. To the extent the rules of the district
2 conflict with a rule, order, or regulation of the city, the rule,
3 order, or regulation of the city controls. The rules may provide
4 for the safe and orderly use of public roadways, open spaces, parks,
5 sidewalks, and similar public areas or facilities.

6 (c) The board may require a permit for a parade,
7 demonstration, celebration, entertainment event, or a similar
8 non-governmental activity in or on the public roadways, open
9 spaces, parks, sidewalks, and similar public areas or facilities.
10 The board may charge a fee for the permit application and for public
11 safety or security services in an amount the board considers
12 necessary.

13 (d) The board may require a permit or franchise agreement
14 with a vendor, concessionaire, exhibitor, or similar private or
15 commercial person or organization for the limited use of the area or
16 facilities on terms and conditions and on payment of a permit or
17 franchise fee the board may impose.

18 SUBCHAPTER C. SELECTION AND QUALIFICATIONS OF BOARD OF DIRECTORS;

19 CONFIRMATION ELECTION

20 SEC. XXXX.010. BOARD OF DIRECTORS. (a) The district is
21 governed by a board of five directors. The initial directors shall
22 serve from the effective date of this Chapter until November 30,
23 2008, and until their successors shall be elected and shall
24 qualify. Thereafter, directors serve staggered terms of four years
25 and until their respective successors are elected and shall
26 qualify. The first election shall be held on the uniform election
27 day in November, 2008. Persons elected to Positions 1 and 2 on that

1 day shall serve terms expiring on November 30 2010, and until their
2 respective successors shall be elected and shall qualify. Persons
3 elected to Positions 3, 4, and 5 on that day shall serve terms
4 expiring on November 30, 2012, and until their respective
5 successors shall be elected and shall qualify. At an election held
6 on the uniform election day in November, 2010, and during November
7 of each second year thereafter, an election shall be held at which
8 directors shall be elected for terms of four years in each Position
9 held by a director whose term is expiring on the following November
10 30, and until their respective successors shall be elected and
11 shall qualify.

12 (b) Section 49.052, Water Code, does not apply to directors
13 qualified as initial directors. To be qualified to serve as a
14 director other than the initial directors a person must be at least
15 18 years of age, a citizen of the United States and a resident of the
16 State of Texas, and be at least one of the following:

- 17 (1) a resident, qualified voter of the district;
18 (2) an owner of real property in the district; or
19 (3) a person who served as an initial director.

20 (c) A vacancy in the office of director, including the
21 initial directors, shall be filled by appointment of a qualified
22 individual by the board.

23 (d) As soon as practicable after a director is elected or
24 appointed, the elected director shall execute a bond for \$10,000
25 payable to the district and conditioned on the faithful performance
26 of the director's duties. All of the directors' bonds must be
27 approved by the governing body of the city. Each director shall take

1 the oath of office prescribed by the constitution for public
2 office. The bond and oath shall be filed with the district and the
3 district shall retain the bond and oath in its records. The cost of
4 such bonds shall be the responsibility of the district.

5 (e) The directors shall elect a chair, a vice chair, and a
6 secretary.

7 (f) A position on the board may not be construed to be a
8 civil office of emolument for any purpose, including those purposes
9 described in Section 40, Article XVI, Texas Constitution.

10 (g) A director is not entitled to compensation for service
11 on the board but is entitled to be reimbursed for necessary and
12 reasonable expenses incurred in carrying out the duties and
13 responsibilities of a director.

14 (h) Three directors constitute a quorum for the
15 consideration of matters pertaining to the district, and a
16 concurrence of a majority (at least two directors if only three are
17 present) of a quorum of directors shall be required for any official
18 action of the district.

19 (i) Chapters 551 and 552, Government Code, apply to the
20 District.

21 SEC. XXXX.011. DISTRICT CONFIRMATION ELECTION. (a) As
22 soon as practicable after all initial directors have qualified for
23 office, the initial directors shall hold an organizational meeting.
24 The initial directors shall then call a confirmation election to be
25 held on a date that is not later than the second following and
26 available uniform election date after satisfying the following
27 conditions, to-wit:

1 (1) Prior to calling the election, the governing body
2 of the city must, by resolution, give its consent to such action;
3 and

4 (2) The district and the City shall have executed a
5 mutually approved and accepted Interlocal Project Development
6 Agreement regarding the development plans and rules for development
7 of the district.

8 (b) The confirmation election shall be called and held to
9 confirm the establishment of the district in the manner provided by
10 Subchapter D, Chapter 49, Water Code. In the event a majority of the
11 votes cast at a confirmation election is against the creation of the
12 district, the board may call succeeding elections on uniform
13 election dates, but it may not call another confirmation election
14 for six months after the date the former confirmation election is
15 held. Before a successful confirmation election, the district:

16 (1) may not borrow money or impose a tax or an
17 assessment of any kind for any purpose; and

18 (2) may carry on any business as the board may
19 determine except as provided by subdivision (1) of this subsection.

20 SUBCHAPTER D. OPERATION AND MAINTENANCE TAX; BONDS AND OTHER

21 OBLIGATIONS

22 SEC. XXXX.012. OPERATION AND MAINTENANCE TAX. (a) The
23 district may levy and collect a tax for operation and maintenance
24 purposes, including funds for planning, constructing, acquiring,
25 maintaining, repairing, and operating all necessary land, plants,
26 works, facilities, improvements, appliances, and equipment of the
27 district and for paying costs of proper services, engineering and

1 legal fees, and organization and administrative expenses.

2 (b) An operation and maintenance tax may not be levied by a
3 district until it is approved by the governing body of the city and
4 by a majority of the qualified voters in the district voting at an
5 election held for that purpose. After such a tax has been authorized
6 by the governing body of the city and by the district's voters, the
7 board shall be authorized to levy the tax and have it assessed and
8 collected as other district taxes.

9 (c) An operation and maintenance tax election may be held at
10 the same time and in conjunction with any other district election,
11 including the election to confirm the creation of the district. The
12 election may be called by a separate election order or as part of
13 any other election order.

14 (d) The proposition in an operation and maintenance tax
15 election may be for a specific maximum rate or for an unlimited
16 rate.

17 (e) If the district has any surplus operation and
18 maintenance tax funds that are not needed for the purposes for which
19 they were collected, the funds may be used for any lawful purpose.

20 (f) Sections 26.04, 26.05 and 26.07, Tax Code, do not apply
21 to a tax levied and collected under this section or an ad valorem
22 tax levied and collected for the payment of the interest on and
23 principal of bonds issued by the district.

24 SEC. XXXX.013. AUTHORITY TO ISSUE BONDS AND OTHER
25 OBLIGATIONS. (a) The district may issue bonds that are payable in
26 whole or in part from ad valorem taxes in the manner provided by
27 Subchapter J of Chapter 375, Local Government Code, and subject to

1 the other provisions of this chapter. Sections 375.207 and 375.208
2 of Chapter 375, Local Government Code, do not apply to bonds issued
3 under this chapter.

4 (b) The district may issue bonds that are payable from
5 assessments against property within the district in the manner
6 provided by either Subchapter J of Chapter 375, Local Government
7 Code, or Subchapter A of Chapter 372, Local Government Code.

8 (c) In addition to the sources of money described by
9 Subchapter J of Chapter 375, Local Government Code, and/or
10 Subchapter A of Chapter 372, Local Government Code, the District
11 may issue bonds that are secured and made payable, wholly or partly,
12 by a pledge of any part of the net proceeds the district receives
13 from the hotel occupancy tax authorized by this chapter and from any
14 other revenues of the district.

15 (d) None of the bonds described in subsection (a) of this
16 section shall be issued by the district unless such bonds are first
17 approved by the governing body of the city. Notwithstanding any
18 provisions of this chapter or other law, the city shall not be
19 obligated to pay, repay, or guarantee any bonds, notes or other
20 obligations of the district unless the city dissolves the district
21 under subchapter E of this chapter.

22 (e) The district may issue bonds or other obligations, by
23 competitive bid or negotiated sale.

24 (f) In exercising the district's powers under this section,
25 the district may issue or execute a bond or other obligation in the
26 form of a bond, a negotiable or non-negotiable note, a certificate
27 of participation, a reimbursement agreement or note, or an

1 instrument evidencing a proportionate interest in payments to be
2 made by the district, or other type of obligation. The term of a
3 bond or other obligation executed or issued under this chapter may
4 not exceed 40 years from the date of issuance.

5 SEC. XXXX.014. BOND ELECTIONS; TAXES AND; ASSESSMENTS. (a)
6 Bonds and other obligations that are secured by and payable in whole
7 or in part from ad valorem taxes may not be issued unless the bonds
8 and the levy of the taxes are first approved by a majority of the
9 qualified voters in the district voting at an election held for that
10 purpose, and are first approved by the governing body of the city.

11 (b) At the time bonds or other obligations that are payable
12 in whole or in part from ad valorem taxes are issued, the board
13 shall levy a continuing direct annual ad valorem tax, without limit
14 as to rate or amount, for each year while all or part of the bonds
15 are outstanding, and the district shall annually assess and collect
16 an ad valorem tax, on all taxable property within the district in
17 sufficient amount to pay the interest on the bonds or other
18 obligations as it becomes due and to create a sinking fund for the
19 payment of the principal of the bonds or other obligations when due
20 or the redemption price at any earlier required redemption date and
21 to pay the expenses of assessing and collecting the taxes.

22 (c) An election required by this section shall be conducted
23 in accordance with the appropriate provisions of Chapter 54, Water
24 Code.

25 SEC. XXXX.015. HOTEL OCCUPANCY TAX. (a) In this section,
26 "hotel" has the meaning assigned by Section 156.001, Tax Code.

27 (b) The board by order may impose, repeal, or increase or

1 decrease the rate of a tax on a person who, under a lease,
2 concession, permit, right of access, license, contract, or
3 agreement, pays two dollars (\$2.00) or more per day for the use or
4 possession or for the right to use or possess a room that is in a
5 hotel located in the boundaries of the district, and if said room is
6 ordinarily used for sleeping. The amount of the tax may not exceed
7 seven percent of the price paid for a room in a hotel.

8 (c) Subchapter A, Chapter 352, Tax Code, governs a hotel
9 occupancy tax authorized under this section, including the
10 collection of the tax, except as inconsistent with this section,
11 subject to the limitations prescribed by Sections 352.002(b) and
12 (c), Tax Code.

13 (d) The district may examine and receive information
14 related to the imposition, assessment, and collection of hotel
15 occupancy taxes to the same extent as if the district were a
16 municipality.

17 (e) For purposes of this section, a reference in Subchapter
18 A, Chapter 352, Tax Code, to a county is a reference to the district
19 and a reference in Subchapter A., Chapter 352, Tax Code, to the
20 county's officers or governing body is a reference to the board.

21 (f) The district shall apply the proceeds from a hotel
22 occupancy tax imposed under this section for any of the district's
23 purposes and for the purposes described by Section 352.1015, Tax
24 Code, to the extent considered appropriate by the board.

25 (g) During each interval of three calendar years following
26 the date on which a hotel occupancy tax imposed under this section
27 is initially collected, the board may not apply an annual average of

1 more than 10 percent of the amount of tax collected under this
2 section, excluding any interest earnings or investment profits and
3 after a deduction for the costs of imposing and collecting the
4 taxes, for the administrative expenses of the district or a
5 district purpose other than:

6 (1) the costs of advertising and promoting tourism, or

7 (2) the costs of business development and commerce,
8 including the costs of planning, designing, constructing,
9 acquiring, leasing, financing, owning, operating, maintaining,
10 managing, improving, repairing, rehabilitating, or reconstructing
11 improvement projects for conferences, conventions, and
12 exhibitions, manufacturer, consumer, or trade shows, and civic,
13 community, or institutional events.

14 (h) For purposes of this section, a reference in Subchapter
15 B, Chapter 352, Tax Code, to a county is a reference to the district
16 and a reference in Subchapter B, Chapter 352, Tax Code, to the
17 county's officers or governing body is a reference to the board.

18 SEC. XXXX.016. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
19 The board by resolution may impose and collect an assessment for any
20 purpose authorized by this chapter and by and in accordance with
21 Subchapters F of Chapter 375, Local Government Code, and/or
22 Subchapter A of Chapter 372, Local Government Code, to the extent
23 not inconsistent with this chapter.

24 (b) An assessment, a reassessment, or an assessment
25 resulting from an addition to or correction of the assessment roll
26 by the district, penalties and interest on an assessment or
27 reassessment, an expense of collection, and reasonable attorney's

1 fees incurred by the district are superior to any other lien or
2 claim against the assessed property other than a lien or claim for
3 county, school district, district, or city ad valorem taxes.

4 (c) The assessment lien is effective from the date of the
5 board's resolution imposing the assessment until the date the
6 assessment is paid, and said lien runs with the land, continues
7 until paid in full, and is not eliminated by any foreclosure of an
8 ad valorem tax lien. The board may enforce the lien in the same
9 manner that the board may enforce an ad valorem tax lien against
10 real property.

11 (d) The board may make a correction to or deletion from the
12 assessment roll that does not increase the amount of assessment of
13 any parcel of land without providing notice and holding a hearing in
14 the manner required for additional assessments.

15 SUBCHAPTER E. DISSOLUTION OF DISTRICT

16 SEC. XXXX.017. DISSOLUTION. (a) Subject to the conditions
17 and the other provisions of this section and to the terms,
18 provisions, and conditions of any applicable agreement between the
19 district and the city, the city by ordinance duly adopted by at
20 least a two-thirds (2/3rds) majority vote of its governing body,
21 may dissolve the district.

22 (b) The city may not dissolve the district until the
23 district's outstanding indebtedness or contractual obligations
24 that are payable from ad valorem taxes, if any, have been repaid or
25 discharged.

26 (c) After the city dissolves the district, the city shall
27 assume the obligations of the district with respect to any bonds or

1 other indebtedness that are payable from assessments or other
2 sources of revenues of the district, and the city shall succeed to
3 and may exercise any and all powers of the district with respect
4 thereto.

5 (d) Upon dissolution of the district, the board shall
6 transfer ownership of all property and assets of the district to the
7 city.

8 SECTION 2. The district initially includes all of the three
9 (3) tracts of land located in the corporate limits of the city,
10 partially within Rockwall County, and partially within Kaufman
11 County and described by metes and bounds, as follows, to-wit:

12 TRACT ONE: 352.817 Acres Located in Rockwall County and Kaufman
13 County, Texas:

14 BEING all that certain lot, tract or parcel of land situated in the
15 King Latham Survey, Abstract Number 133, located in Rockwall
16 County, Texas and King Latham Survey, Abstract Number 622, located
17 in Kaufman County, Texas, and being a portion of a called 203.728
18 acre tract of land described in deed to WED Limited Partnership, as
19 recorded in Volume 2053, Page 273 of the Deed Records of Rockwall
20 County, Texas, and also being a portion of Tract No. 1, a called
21 850.14 acre tract of land described in deed to The
22 McLendon-Chisholm Ranch, L.P., as recorded in Volume 4492, Page 101
23 of the Deed Records of Rockwall County, Texas and being more
24 particularly described by metes and bounds as follows:

25 BEGINNING at a 1/2 inch iron rod with a cap stamped "Arthur
26 Surveying Company" set in the west right of way line of State
27 Highway No. 205 (a variable width right of way);

1 THENCE South 44 degrees 36 minutes 15 seconds East, along said west
2 right of way line, a distance of 2208.26 feet to a 1/2 inch iron rod
3 with cap stamped "Weir & Associates" found for the most northerly
4 corner of Lot 27, Block A, Chisholm Ranch Estates Addition, an
5 addition to Rockwall County, according to the plat recorded in
6 Cabinet F, Page 247, of the Plat Records of Rockwall County, Texas;
7 THENCE South 45 degrees 14 minutes 10 seconds West, along the
8 northwest line of Block A, of said Chisholm Ranch Estates Addition,
9 a distance of 3117.04 feet to a 1/2 inch iron rod found for corner;
10 THENCE South 44 degrees 27 minutes 13 seconds East, along the
11 southwest line of Block A, of said Chisholm Ranch Estates Addition,
12 a distance of 923.44 feet to a 1/2 inch iron rod with a cap stamped
13 "Arthur Surveying Company" set, from which a 1/2 inch iron rod found
14 in the northwest right of way line of Farm to Market Road No. 548
15 bears South 44 degrees 27 minutes 13 seconds East, a distance of
16 2260.45 feet;
17 THENCE South 44 degrees 18 minutes 39 seconds West, along the
18 northwest line of a tract of land described in deed to Dorothy Lynn
19 Sulling, Martha Nell McAllister, Mary Elizabeth Awanessian &
20 William Dewey Samuels, Jr., as recorded in Volume 579, Page 86 of
21 the Deed Records of Rockwall County, Texas, a distance of 1159.29
22 feet to a 1/2 inch iron rod found for corner;
23 THENCE South 45 degrees 50 minutes 06 seconds West, continuing
24 along said northwest line, a distance of 1874.24 feet to a 1/2 inch
25 iron rod found in the northeast line of said WED Limited Partnership
26 Tract;
27 THENCE South 44 degrees 02 minutes 51 seconds East, along the

1 southwest line of said Dorothy Lynn Sulling, Martha Nell
2 McAllister, Mary Elizabeth Awanessian & William Dewey Samuels, Jr.
3 Tract, a distance of 2229.61 feet to a 1/2 inch iron rod found in the
4 northwest right of way line of said Farm to Market Road No. 548, for
5 the beginning of a non-tangent curve to the right having a radius of
6 1395.90 feet, a central angle of 19 degrees 43 minutes 37 seconds, a
7 chord bearing of South 65 degrees 19 minutes 10 seconds West, and a
8 chord distance of 478.24 feet;

9 THENCE along said northwest right of way line, the following
10 courses and distances:

11 Southwesterly along said curve for an arc length of 480.61
12 feet to a concrete monument found for corner;

13 South 75 degrees 19 minutes 35 seconds West, a distance of
14 511.95 feet to a concrete monument found for corner by a
15 wooden right of way marker, for the beginning of a tangent
16 curve to the left having a radius of 1481.35 feet, a central
17 angle of 30 degrees 01 minutes 03 seconds, a chord bearing of
18 South 60 degrees 20 minutes 50 seconds West, and a chord
19 distance of 767.24 feet;

20 Southwesterly along said curve for an arc length of 776.09
21 feet to a concrete monument found for corner by a wooden right
22 of way marker;

23 South 45 degrees 23 minutes 00 seconds West, a distance of
24 190.29 feet to a 1/2 inch iron rod found for the most
25 southerly corner of said WED Limited Partnership Tract;

26 THENCE North 44 degrees 39 minutes 33 seconds West, along the
27 southwest line of said WED Limited Partnership Tract, a distance of

1 2082.11 feet to a 1/2 inch iron rod with a cap stamped "Arthur
2 Surveying Company" set for corner;

3 THENCE over and across said WED Limited Partnership Tract and said
4 Tract No. 1, the following courses and distances:

5 North 45 degrees 20 minutes 27 seconds East, a distance of
6 400.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
7 Surveying Company" set for the beginning of a tangent curve
8 to the left having a radius of 600.00 feet, a central angle of
9 18 degrees 00 minutes 00 seconds, a chord bearing of North 36
10 degrees 20 minutes 44 seconds East, and a chord distance of
11 187.72 feet;

12 Northeasterly along said curve for an arc length of 188.50
13 feet to a 1/2 inch iron rod with a cap stamped "Arthur
14 Surveying Company" set for the beginning of a reverse curve
15 to the right having a radius of 600.00 feet, a central angle
16 of 10 degrees 00 minutes 00 seconds, a chord bearing of North
17 32 degrees 20 minutes 44 seconds East, and a chord distance of
18 104.59 feet;

19 Northeasterly along said curve for an arc length of 104.72
20 feet to a 1/2 inch iron rod with a cap stamped "Arthur
21 Surveying Company" set for corner;

22 North 37 degrees 20 minutes 44 seconds East, a distance of
23 250.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
24 Surveying Company" set for the beginning of a tangent curve
25 to the left having a radius of 600.00 feet, a central angle of
26 15 degrees 00 minutes 00 seconds, a chord bearing of North 29
27 degrees 50 minutes 44 seconds East, and a chord distance of

1 156.63 feet;
2 Northeasterly along said curve for an arc length of 157.08
3 feet to a 1/2 inch iron rod with a cap stamped "Arthur
4 Surveying Company" set for corner;
5 North 22 degrees 20 minutes 44 seconds East, a distance of
6 350.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
7 Surveying Company" set for the beginning of a tangent curve
8 to the right having a radius of 600.00 feet, a central angle
9 of 25 degrees 23 minutes 21 seconds, a chord bearing of North
10 35 degrees 02 minutes 24 seconds East, and a chord distance of
11 263.70 feet;
12 Northeasterly along said curve for an arc length of 265.87
13 feet to a 1/2 inch iron rod with a cap stamped "Arthur
14 Surveying Company" set for the beginning of a reverse curve
15 to the left having a radius of 500.00 feet, a central angle of
16 55 degrees 58 minutes 53 seconds, a chord bearing of North 19
17 degrees 44 minutes 38 seconds East, and a chord distance of
18 469.33 feet;
19 Northeasterly along said curve for an arc length of 488.53
20 feet to a 1/2 inch iron rod with a cap stamped "Arthur
21 Surveying Company" set for corner;
22 North 08 degrees 14 minutes 48 seconds West, a distance of
23 47.60 feet to a 1/2 inch iron rod with a cap stamped "Arthur
24 Surveying Company" set for the beginning of a tangent curve
25 to the right having a radius of 800.00 feet, a central angle
26 of 56 degrees 31 minutes 24 seconds, a chord bearing of North
27 20 degrees 00 minutes 54 seconds East, and a chord distance of

1 757.60 feet;
2 Northeasterly along said curve for an arc length of 789.21
3 feet to a 1/2 inch iron rod with a cap stamped "Arthur
4 Surveying Company" set for corner;
5 North 48 degrees 16 minutes 36 seconds East, a distance of
6 100.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
7 Surveying Company" set for the beginning of a tangent curve
8 to the left having a radius of 400.00 feet, a central angle of
9 33 degrees 15 minutes 03 seconds, a chord bearing of North 31
10 degrees 39 minutes 05 seconds East, and a chord distance of
11 228.89 feet;
12 Northeasterly along said curve for an arc length of 232.13
13 feet to a 1/2 inch iron rod with a cap stamped "Arthur
14 Surveying Company" set for corner;
15 North 16 degrees 51 minutes 30 seconds East, a distance of
16 205.87 feet to a 1/2 inch iron rod with a cap stamped "Arthur
17 Surveying Company" set for the beginning of a tangent curve
18 to the right having a radius of 900.00 feet, a central angle
19 of 27 degrees 31 minutes 30 seconds, a chord bearing of North
20 30 degrees 37 minutes 15 seconds East, and a chord distance of
21 428.22 feet;
22 Northeasterly along said curve for an arc length of 432.36
23 feet to a 1/2 inch iron rod with a cap stamped "Arthur
24 Surveying Company" set for corner;
25 North 44 degrees 23 minutes 00 seconds East, a distance of
26 100.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
27 Surveying Company" set for the beginning of a tangent curve

1 to the left having a radius of 300.00 feet, a central angle of
2 08 degrees 50 minutes 10 seconds, a chord bearing of North 39
3 degrees 57 minutes 55 seconds East, and a chord distance of
4 46.22 feet;

5 Northeasterly along said curve for an arc length of 46.27
6 feet to a 1/2 inch iron rod with a cap stamped "Arthur
7 Surveying Company" set for corner;

8 North 35 degrees 32 minutes 50 seconds East, a distance of
9 100.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
10 Surveying Company" set for the beginning of a tangent curve
11 to the right having a radius of 800.00 feet, a central angle
12 of 12 degrees 12 minutes 45 seconds, a chord bearing of North
13 41 degrees 39 minutes 12 seconds East, and a chord distance of
14 170.20 feet;

15 Northeasterly along said curve for an arc length of 170.52
16 feet to a 1/2 inch iron rod with a cap stamped "Arthur
17 Surveying Company" set for corner;

18 North 47 degrees 45 minutes 35 seconds East, a distance of
19 120.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
20 Surveying Company" set for the beginning of a tangent curve
21 to the left having a radius of 400.00 feet, a central angle of
22 82 degrees 26 minutes 29 seconds, a chord bearing of North 06
23 degrees 32 minutes 21 seconds East, and a chord distance of
24 527.17 feet;

25 Northeasterly along said curve for an arc length of 575.55
26 feet to a 1/2 inch iron rod with a cap stamped "Arthur
27 Surveying Company" set for corner;

1 North 34 degrees 40 minutes 54 seconds West, a distance of
2 22.07 feet to a 1/2 inch iron rod with a cap stamped "Arthur
3 Surveying Company" set for corner;
4 South 66 degrees 13 minutes 45 seconds East, a distance of
5 580.20 feet to a 1/2 inch iron rod with a cap stamped "Arthur
6 Surveying Company" set for corner;
7 North 23 degrees 56 minutes 15 seconds East, a distance of
8 330.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
9 Surveying Company" set for corner;
10 North 66 degrees 13 minutes 45 seconds West, a distance of
11 1030.80 feet to a 1/2 inch iron rod with a cap stamped "Arthur
12 Surveying Company" set for the beginning of a non-tangent
13 curve to the right having a radius of 800.00 feet, a central
14 angle of 64 degrees 07 minutes 58 seconds, a chord bearing of
15 North 16 degrees 54 minutes 14 seconds East, and a chord
16 distance of 849.44 feet;
17 Northeasterly along said curve for an arc length of 895.46
18 feet to a 1/2 inch iron rod with a cap stamped "Arthur
19 Surveying Company" set for corner;
20 North 48 degrees 58 minutes 13 seconds East, a distance of
21 114.18 feet to a 1/2 inch iron rod with a cap stamped "Arthur
22 Surveying Company" set for corner;
23 South 74 degrees 46 minutes 50 seconds East, a distance of
24 655.54 feet to a 1/2 inch iron rod with a cap stamped "Arthur
25 Surveying Company" set for corner;
26 North 15 degrees 13 minutes 10 seconds East, a distance of
27 295.16 feet to a 1/2 inch iron rod with a cap stamped "Arthur

1 Surveying Company" set for corner;
2 North 74 degrees 46 minutes 50 seconds West, a distance of
3 567.55 feet to a 1/2 inch iron rod with a cap stamped "Arthur
4 Surveying Company" set for corner;
5 North 21 degrees 58 minutes 38 seconds East, a distance of
6 374.09 feet to a 1/2 inch iron rod with a cap stamped "Arthur
7 Surveying Company" set for the beginning of a tangent curve
8 to the right having a radius of 1500.00 feet, a central angle
9 of 14 degrees 24 minutes 59 seconds, a chord bearing of North
10 29 degrees 11 minutes 07 seconds East, and a chord distance of
11 376.42 feet;
12 Northeast along said curve for an arc length of 377.42 feet to
13 a 1/2 inch iron rod with a cap stamped "Arthur Surveying
14 Company" set for corner;
15 North 36 degrees 23 minutes 36 seconds East, a distance of
16 334.54 feet to a 1/2 inch iron rod with a cap stamped "Arthur
17 Surveying Company" set for the beginning of a tangent curve
18 to the right having a radius of 800.00 feet, a central angle
19 of 28 degrees 16 minutes 07 seconds, a chord bearing of North
20 50 degrees 31 minutes 40 seconds East, and a chord distance of
21 390.71 feet;
22 Northeasterly along said curve for an arc length of 394.70
23 feet to a 1/2 inch iron rod with a cap stamped "Arthur
24 Surveying Company" set for corner;
25 North 64 degrees 39 minutes 43 seconds East, a distance of
26 302.18 feet to a 1/2 inch iron rod with a cap stamped "Arthur
27 Surveying Company" set for the beginning of a tangent curve

1 to the left having a radius of 400.00 feet, a central angle of
2 19 degrees 15 minutes 58 seconds, a chord bearing of North 55
3 degrees 01 minutes 44 seconds East, and a chord distance of
4 133.87 feet;

5 Northeasterly along said curve for an arc length of 134.50
6 feet to a 1/2 inch iron rod with a cap stamped "Arthur
7 Surveying Company" set for corner;

8 North 45 degrees 23 minutes 45 seconds East, a distance of
9 190.11 feet to the POINT OF BEGINNING and containing 352.817
10 acres of land, more or less, and being subject to any and all
11 easements that may affect.

12 TRACT TWO: 424.915 Acres Located in Rockwall County, Texas:

13 BEING all that certain lot, tract or parcel of land situated in the
14 King Latham Survey, Abstract Number 133, located in Rockwall
15 County, Texas, and being all of a called 159.4006 acre tract of land
16 described in deed to Tyrone E. Davenport, as recorded in Volume
17 1374, Page 302 of the Deed Records of Rockwall County, Texas, a
18 portion of a called 10.03 acre tract of land described in deed to
19 Tyrone Davenport, as recorded in Volume 3742, Page 268 of the Deed
20 Records of Rockwall County, Texas, and being all of a 89.00 acre
21 tract of land described in deed to T. A. Lewis, as recorded in
22 Volume 30, Page 306, Deed Records of Rockwall County, Texas, and
23 also being all of the First and Second Tracts, as described in deed
24 to D. E. Lewis, Thomas Eugene Lewis, Dorothy Dee Lewis, and David
25 Arden Lewis, as recorded in Volume 63, Page 436, Deed Records of
26 Rockwall County, Texas, and being more particularly described by
27 metes and bounds as follows:

1 BEGINNING at a 1/2 inch iron rod found in the southeast right of way
2 line of Farm to Market Road No. 550 (a variable width right of way)
3 same being the most westerly corner of a called 18.274 acre tract of
4 land described in deed to Garin Reetz and Linda Reetz, as recorded
5 in Volume 2231, Page 142 of the Deed Records of Rockwall County,
6 Texas, from which a 1/2 inch iron rod found for the most northerly
7 corner of said Reetz Tract bears North 45 degrees 34 minutes 28
8 seconds East, a distance of 873.50 feet;
9 THENCE South 44 degrees 30 minutes 02 seconds East, along the
10 southwest line of said Reetz Tract, a distance of 916.53 feet to a
11 1/2 inch iron rod found for corner;
12 THENCE North 44 degrees 36 minutes 22 seconds East, along the
13 southeast line of said Reetz Tract, a distance of 876.61 feet to a
14 3/8 inch iron rod found in the southwest line of Tract IV, a called
15 215.607 acre tract of land described in deed to Mariah Bay
16 Development, Inc., as recorded in Volume 2245, Page 278 of the Deed
17 Records of Rockwall County, Texas;
18 THENCE along the south lines of said Mariah Bay Development Tract,
19 the following courses and distances:
20 South 44 degrees 41 minutes 25 seconds East, a distance of
21 1673.16 feet to a 1/2 inch iron rod with a cap stamped "Arthur
22 Surveying Company" set for corner;
23 North 45 degrees 40 minutes 12 seconds East, a distance of
24 1558.33 feet to a 1/2 inch iron rod with a cap stamped "Arthur
25 Surveying Company" set for corner;
26 South 45 degrees 01 minutes 57 seconds East, a distance of
27 375.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur

1 Surveying Company" set for corner;
2 North 44 degrees 58 minutes 03 seconds East, a distance of
3 413.26 feet to a 1/2 inch iron rod with a cap stamped "Arthur
4 Surveying Company" set for the most westerly corner of a
5 called 79.335 acre tract of land described in deed to Albert
6 Meyers, as recorded in Volume 153, Page 699 of the Deed
7 Records of Rockwall County, Texas;

8 THENCE South 43 degrees 51 minutes 51 seconds East, along the
9 southwest line of said Meyers Tract, a distance of 1434.52 feet to a
10 1/2 inch iron rod with a can stamped "Arthur Surveying Company" set
11 for the northerly corner of a Second Tract, a called 53.446 acre
12 tract of land described in deed to Jerry L. Klutts and wife Rita C.
13 Klutts. as recorded in Volume 1119, Page 22 of the Deed Records of
14 Rockwall County, Texas;

15 THENCE South 44 degrees 59 minutes 05 seconds West, along the
16 northwest line of said Second Tract and a called 199.719 acre tract
17 of land described in deed to Beverly Farrar, as recorded in Volume
18 1150, Page 112 of the Deed Records of Rockwall County, Texas, a
19 distance of 4480.56 feet to a 1/2 inch iron rod found for the most
20 easterly corner of a called 98.730 acre tract of land described in
21 deed to G. H. Development, Inc., as recorded in Volume 4061, Page
22 257 of the Deed Records of Rockwall County, Texas;

23 THENCE North 43 degrees 20 minutes 06 seconds West, along the
24 northeast line of said G. H. Development Tract, a distance of
25 1451.15 feet to a Fence Post found in the southeast line of said
26 Davenport Tract, from which a 1/2 inch iron rod found for the east
27 corner of said 159.4006 acre tract bears North 45 degrees 37 minutes

1 38 seconds East, a distance of 761.57 feet;
2 THENCE South 45 degrees 37 minutes 38 seconds West, along the
3 northwest line of said G. H. Development Tract, a distance of
4 1482.10 feet to a 3/8 inch iron rod found for the most easterly
5 corner of said 10.03 acre tract;
6 THENCE South 46 degrees 00 minutes 41 seconds West, continuing
7 along the northwest line of said G. H. Development Tract, same being
8 the southeast line of said 10.03 acre tract, a distance of 510.00
9 feet to a 1/2 inch iron rod with a cap stamped "Arthur Surveying
10 Company" set for corner;
11 THENCE North 46 degrees 13 minutes 43 seconds West, over and across
12 said Davenport Tract, a distance of 299.71 feet to a 1/2 inch iron
13 rod with a cap stamped "Arthur Surveying Company" set in the
14 northwest line of said 10.03 acre tract, same being in the southeast
15 line of a called 10.00 acre tract of land described in deed to
16 Robert G. Vernon, as recorded in Volume 1547, Page 91 of the Deed
17 Records of Rockwall County, Texas;
18 THENCE North 46 degrees 01 minutes 08 seconds East, along said
19 southeast line, a distance of 520.00 feet to a 3/4 inch iron pipe
20 found for the most easterly corner of said Vernon Tract;
21 THENCE North 44 degrees 19 minutes 00 seconds West, along a
22 southwest line of said 159.4006 acre tract, a distance of 1195.42
23 feet to a 3/4 inch iron pipe found for corner;
24 THENCE South 45 degrees 30 minutes 07 seconds West, continuing
25 along said 159.4006 acre tract, a distance of 213.27 feet to a 1/2
26 inch iron rod with a cap stamped "Arthur Surveying Company" set for
27 the most easterly corner of a called 50 acre tract of land described

1 in deed to Mary E. Young, as recorded in Volume 547. Page 322 of the
2 Deed Records of Rockwall County Texas;
3 THENCE North 44 degrees 23 minutes 02 seconds West, along the
4 northeast line of said Young Tract, a distance of 1478.44 feet to a
5 1/2 inch iron rod found in the southeast right of way line of said
6 Farm to Market Road No. 550;
7 THENCE North 45 degrees 24 minutes 42 seconds East, along said
8 southeast right of way line, a distance of 2421.45 feet to a 1/2
9 inch iron rod found for the most northerly corner of said 159.4006
10 acre tract;
11 THENCE North 45 degrees 48 minutes 18 seconds East, continuing
12 along said southeast right of way line, a distance of 875.84 feet to
13 the POINT OF BEGINNING and containing 424.915 acres of land, more or
14 less, and being subject to any and all easements that may affect.
15 TRACT THREE: 802.220 Acres Located in Rockwall County and Kaufman
16 County, Texas:
17 BEING all that certain lot, tract or parcel of land situated in the
18 King Latham Survey, Abstract Number 133, located in Rockwall
19 County, Texas and the King Latham Survey, Abstract Number 622,
20 located in Kaufman County, Texas, and being a portion of a called
21 203.728 acre tract of land described in deed to WED Limited
22 Partnership, as recorded in Volume 2053, Page 273 of the Deed
23 Records of Rockwall County, Texas, and also being a portion of Tract
24 No. 1, a called 850.14 acre tract of land and a all of Tract No. 2, a
25 called 150 acre tract of land described in deed to The
26 McLendon-Chisholm Ranch, L.P., as recorded in Volume 4492, Page 101
27 of the Deed Records of Rockwall County, Texas and being more

1 particularly described by metes and bounds as follows:

2 BEGINNING at a 1/2 inch iron rod with a cap stamped "Arthur
3 Surveying Company" set in the west right of way line of State
4 Highway No. 205 (a variable width right of way) from which a 1/2
5 inch iron rod with cap stamped "Weir & Associates" found for the
6 most northerly corner of Lot 27, Block A, Chisholm Ranch Estates
7 Addition, an addition to Rockwall County, according to the plat
8 recorded in Cabinet F, Page 247, of the Plat Records of Rockwall
9 County, Texas, bears South 44 degrees 36 minutes 15 seconds East, a
10 distance of 2208.26 feet;

11 THENCE over and across said Tract No. 1 and said WED Limited
12 Partnership Tract, the following courses and distances:

13 South 45 degrees 23 minutes 45 seconds West, a distance of
14 190.11 feet to a 1/2 inch iron rod with a cap stamped "Arthur
15 Surveying Company" set for the beginning of a tangent curve
16 to the right having a radius of 400.00 feet, a central angle
17 of 19 degrees 15 minutes 58 seconds, a chord bearing of South
18 55 degrees 01 minutes 44 seconds West, and a chord distance of
19 133.87 feet;

20 Southwesterly along said curve for an arc length of 134.50
21 feet to a 1/2 inch iron rod with a cap stamped "Arthur
22 Surveying Company" set for corner;

23 South 64 degrees 39 minutes 43 seconds West, a distance of
24 302.18 feet to a 1/2 inch iron rod with a cap stamped "Arthur
25 Surveying Company" set for the beginning of a tangent curve
26 to the left having a radius of 800.00 feet, a central angle of
27 28 degrees 16 minutes 07 seconds, a chord bearing of South 50

1 degrees 31 minutes 40 seconds West, and a chord distance of
2 390.71 feet;
3 Southwesterly along said curve for an arc length of 394.70
4 feet to a 1/2 inch iron rod with a cap stamped "Arthur
5 Surveying Company" set for corner;
6 South 36 degrees 23 minutes 36 seconds West, a distance of
7 334.54 feet to a 1/2 inch iron rod with a cap stamped "Arthur
8 Surveying Company" set for the beginning of a tangent curve
9 to the left having a radius of 1500.00 feet, a central angle
10 of 14 degrees 24 minutes 59 seconds, a chord bearing of South
11 29 degrees 11 minutes 07 seconds West, and a chord distance of
12 376.42 feet;
13 Southwesterly along said curve for an arc length of 377.42
14 feet to a 1/2 inch iron rod with a cap stamped "Arthur
15 Surveying Company" set for corner;
16 South 21 degrees 58 minutes 38 seconds West, a distance of
17 374.09 feet to a 1/2 inch iron rod with a cap stamped "Arthur
18 Surveying Company" set for corner;
19 South 74 degrees 46 minutes 50 seconds East, a distance of
20 567.55 feet to a 1/2 inch iron rod with a cap stamped "Arthur
21 Surveying Company" set for corner;
22 South 15 degrees 13 minutes 10 seconds West, a distance of
23 295.16 feet to a 1/2 inch iron rod with a cap stamped "Arthur
24 Surveying Company" set for corner;
25 North 74 degrees 46 minutes 50 seconds West, a distance of
26 655.54 feet to a 1/2 inch iron rod with a cap stamped "Arthur
27 Surveying Company" set for corner;

1 South 48 degrees 58 minutes 13 seconds West, a distance of
2 114.18 feet to a 1/2 inch iron rod with a cap stamped "Arthur
3 Surveying Company" set for the beginning of a tangent curve
4 to the left having a radius of 800.00 feet, a central angle of
5 64 degrees 07 minutes 58 seconds, a chord bearing of South 16
6 degrees 54 minutes 14 seconds West, and a chord distance of
7 849.44 feet;
8 Southwesterly along said curve for an arc length of 895.46
9 feet to a 1/2 inch iron rod with a cap stamped "Arthur
10 Surveying Company" set for corner;
11 South 66 degrees 13 minutes 45 seconds East, a distance of
12 1030.80 feet to a 1/2 inch iron rod with a cap stamped "Arthur
13 Surveying Company" set for corner;
14 South 23 degrees 56 minutes 15 seconds West, a distance of
15 330.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
16 Surveying Company" set for corner;
17 North 66 degrees 13 minutes 45 seconds West, a distance of
18 580.20 feet to a 1/2 inch iron rod with a cap stamped "Arthur
19 Surveying Company" set for corner;
20 South 34 degrees 40 minutes 54 seconds East, a distance of
21 22.07 feet to a 1/2 inch iron rod with a cap stamped "Arthur
22 Surveying Company" set for the beginning of a tangent curve
23 to the right having a radius of 400.00 feet, a central angle
24 of 82 degrees 26 minutes 29 seconds, a chord bearing of South
25 06 degrees 32 minutes 21 seconds West, and a chord distance of
26 527.17 feet;
27 Southwesterly along said curve for an arc length of 575.55

1 feet to a 1/2 inch iron rod with a cap stamped "Arthur
2 Surveying Company" set for corner;
3 South 47 degrees 45 minutes 35 seconds West, a distance of
4 120.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
5 Surveying Company" set for the beginning of a tangent curve
6 to the left having a radius of 800.00 feet, a central angle of
7 12 degrees 12 minutes 45 seconds, a chord bearing of South 41
8 degrees 39 minutes 12 seconds West, and a chord distance of
9 170.20 feet;
10 Southwesterly along said curve for an arc length of 170.52
11 feet to a 1/2 inch iron rod with a cap stamped "Arthur
12 Surveying Company" set for corner;
13 South 35 degrees 32 minutes 50 seconds West, a distance of
14 100.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
15 Surveying Company" set for the beginning of a tangent curve
16 to the right having a radius of 300.00 feet, a central angle
17 of 08 degrees 50 minutes 10 seconds, a chord bearing of South
18 39 degrees 57 minutes 55 seconds West, and a chord distance of
19 46.22 feet;
20 Southwesterly along said curve for an arc length of 46.27
21 feet to a 1/2 inch iron rod with a cap stamped "Arthur
22 Surveying Company" set for corner;
23 South 44 degrees 23 minutes 00 seconds West, a distance of
24 100.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
25 Surveying Company" set for the beginning of a tangent curve
26 to the left having a radius of 900.00 feet, a central angle of
27 27 degrees 31 minutes 30 seconds, a chord bearing of South 30

1 degrees 37 minutes 15 seconds West, and a chord distance of
2 428.22 feet;
3 Southwesterly along said curve for an arc length of 432.36
4 feet to a 1/2 inch iron rod with a cap stamped "Arthur
5 Surveying Company" set for corner;
6 South 16 degrees 51 minutes 30 seconds West, a distance of
7 205.87 feet to a 1/2 inch iron rod with a cap stamped "Arthur
8 Surveying Company" set for the beginning of a non-tangent
9 curve to the right having a radius of 400.00 feet, a central
10 angle of 33 degrees 15 minutes 03 seconds, a chord bearing of
11 South 31 degrees 39 minutes 05 seconds West, and a chord
12 distance of 228.89 feet;
13 Southwesterly along said curve for an arc length of 232.13
14 feet to a 1/2 inch iron rod with a cap stamped "Arthur
15 Surveying Company" set for corner;
16 South 48 degrees 16 minutes 36 seconds West, a distance of
17 100.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
18 Surveying Company" set for the beginning of a tangent curve
19 to the left having a radius of 800.00 feet, a central angle of
20 56 degrees 31 minutes 24 seconds, a chord bearing of South 20
21 degrees 00 minutes 54 seconds West, and a chord distance of
22 757.60 feet;
23 Southwesterly along said curve for an arc length of 789.21
24 feet to a 1/2 inch iron rod with a cap stamped "Arthur
25 Surveying Company" set for corner;
26 South 08 degrees 14 minutes 48 seconds East, a distance of
27 47.60 feet to a 1/2 inch iron rod with a cap stamped "Arthur

1 Surveying Company" set for the beginning of a tangent curve
2 to the right having a radius of 500.00 feet, a central angle
3 of 55 degrees 58 minutes 53 seconds, a chord bearing of South
4 19 degrees 44 minutes 38 seconds West, and a chord distance of
5 469.33 feet;
6 Southwesterly along said curve for an arc length of 488.53
7 feet to a 1/2 inch iron rod with a cap stamped "Arthur
8 Surveying Company" set for the beginning of a reverse curve
9 to the left having a radius of 600.00 feet, a central angle of
10 25 degrees 23 minutes 21 seconds, a chord bearing of South 35
11 degrees 02 minutes 24 seconds West, and a chord distance of
12 263.70 feet;
13 Southwesterly along said curve for an arc length of 265.87
14 feet to a 1/2 inch iron rod with a cap stamped "Arthur
15 Surveying Company" set for corner;
16 South 22 degrees 20 minutes 44 seconds West, a distance of
17 350.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
18 Surveying Company" set for the beginning of a tangent curve
19 to the right having a radius of 600.00 feet, a central angle
20 of 15 degrees 00 minutes 00 seconds, a chord bearing of South
21 29 degrees 50 minutes 44 seconds West, and a chord distance of
22 156.63 feet;
23 Southwesterly along said curve for an arc length of 157.08
24 feet to a 1/2 inch iron rod with a cap stamped "Arthur
25 Surveying Company" set for corner;
26 South 37 degrees 20 minutes 44 seconds West, a distance of
27 250.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur

1 Surveying Company" set for the beginning of a tangent curve
2 to the left having a radius of 600.00 feet, a central angle of
3 10 degrees 00 minutes 00 seconds, a chord bearing of South 32
4 degrees 20 minutes 44 seconds West, and a chord distance of
5 104.59 feet;

6 Southwesterly along said curve for an arc length of 104.72
7 feet to a 1/2 inch iron rod with a cap stamped "Arthur
8 Surveying Company" set for the beginning of a reverse curve
9 to the right having a radius of 600.00 feet, a central angle
10 of 18 degrees 00 minutes 00 seconds, a chord bearing of South
11 36 degrees 20 minutes 44 seconds West, and a chord distance of
12 187.72 feet;

13 Southwesterly along said curve for an arc length of 188.50
14 feet to a 1/2 inch iron rod with a cap stamped "Arthur
15 Surveying Company" set for corner;

16 South 45 degrees 20 minutes 27 seconds West, a distance of
17 400.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
18 Surveying Company" set in the southwest line of said WED
19 Limited Partnership Tract, from which a 1/2 inch iron rod
20 found for the most westerly corner of a called One Acre tract
21 of land, bears South 44 degrees 39 minutes 33 seconds East, a
22 distance of 1167.10 feet;

23 THENCE North 44 degrees 39 minutes 33 seconds West, along said
24 southwest line, a distance of 250.00 feet to a 1/2 inch iron rod
25 with a cap stamped "Arthur Surveying Company" set for corner, same
26 being the east corner of the remainder of a called 165.695 acre
27 tract of land described in deed to Max B. Chapman and wife Beverly

1 Ann Chapman, as recorded in Volume 643, Page 838 of the Deed Records
2 of Rockwall County, Texas,
3 THENCE North 44 degrees 39 minutes 16 seconds West, along the
4 northeast line of said Chapman Tract, and a called 95.6 acre tract
5 of land described in deed to Glenn R. Rash, as recorded in Volume
6 421, Page 353 of the Deed Records of Kaufman County, Texas, a
7 distance of 1647.27 feet to a 1/2 inch iron rod with a cap stamped
8 "Arthur Surveying Company" set for the most southerly corner of the
9 aforementioned Tract No. 2;
10 THENCE North 44 degrees 39 minutes 20 seconds West, along the
11 northeast line of said Rash Tract, and a called 207.46 acre tract of
12 land described in deed to Janice Sue Mann, as recorded in Volume
13 2991, Page 290 of the Deed Records of Rockwall County, Texas, a
14 distance of 2740.97 feet to a 1/2 inch iron rod found for corner;
15 THENCE South 45 degrees 20 minutes 40 seconds West, along the
16 northwest line of said Mann Tract, a distance of 967.65 feet to a
17 1/2 inch iron rod with a cap stamped "Arthur Surveying Company" set
18 for corner in Smith Road;
19 THENCE North 44 degrees 58 minutes 53 seconds West, along or near
20 the centerline of said Smith Road, a distance of 1548.75 feet to a
21 1/2 inch iron rod with a cap stamped "Arthur Surveying Company" set
22 in or near the centerline of Klutts Road, same being the most
23 southerly corner of a called 199.719 acre tract of land described in
24 deed to Beverly Farrar, as recorded in Volume 1150, Page 112 of the
25 Deed Records of Rockwall County, Texas;
26 THENCE North 45 degrees 07 minutes 33 seconds East, along the
27 southeast line of said Farrar Tract, same being in or near the

1 centerline of said road, a distance of 2129.15 feet to a 1/2 inch
2 iron rod with a cap stamped "Arthur Surveying Company" set for
3 corner;

4 THENCE North 44 degrees 57 minutes 36 seconds East, continuing
5 along said southeast line, a distance of 2894.76 feet to a 1/2 inch
6 iron rod found for the west corner of a called 25.337 acre tract of
7 land described in deed to Jerry L. Klutts and Rita C. Klutts, as
8 recorded in Volume 1119, Page 22 of the Deed Records of Rockwall
9 County, Texas;

10 THENCE South 45 degrees 35 minutes 10 seconds East, along the
11 southwest line of said Klutts Tract, a distance of 932.43 feet to a
12 1/2 inch iron rod with a cap stamped "Arthur Surveying Company" set
13 for corner;

14 THENCE North 45 degrees 00 minutes 08 seconds East, along the
15 southeast line of said Klutts Tracts, and a called 12.000 acre tract
16 of land described in deed to Veterans Land Board of the State of
17 Texas, as recorded in Volume 181, Page 567 of the Deed Records of
18 Rockwall County, Texas, a distance of 2400.54 feet to a 1/2 inch
19 iron rod with a cap stamped "Arthur Surveying Company" set for the
20 most easterly corner of said Veterans Land Board of the State of
21 Texas Tract;

22 THENCE over and across said Tract No. 1, the following courses and
23 distances:

24 South 44 degrees 25 minutes 26 seconds East, a distance of
25 1103.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
26 Surveying Company" set for corner;

27 North 31 degrees 56 minutes 53 seconds East, a distance of

1 400.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
2 Surveying Company" set for corner;
3 North 34 degrees 36 minutes 26 seconds East, a distance of
4 400.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
5 Surveying Company" set for corner;
6 North 37 degrees 36 minutes 23 seconds East, a distance of
7 400.00 feet to a 1/2 inch iron rod with a cap stamped "Arthur
8 Surveying Company" set for corner;
9 North 37 degrees 04 minutes 25 seconds East, a distance of
10 284.94 feet to a 1/2 inch iron rod with a cap stamped "Arthur
11 Surveying Company" set in the west right of way line of said
12 State Highway No. 205, from which a 1/2 inch iron rod found
13 bears North 48 degrees 15 minutes 04 seconds West, a distance
14 109.00 feet;
15 THENCE South 48 degrees 15 minutes 04 seconds East, along said west
16 right of way line, a distance of 1071.21 feet to a 1/2 inch iron rod
17 with a cap stamped "Arthur Surveying Company" set for the beginning
18 of a non-tangent curve to the right having a radius of 10555.41
19 feet, a central angle of 03 degrees 38 minutes 18 seconds, a chord
20 bearing of South 46 degrees 09 minutes 03 seconds East, and a chord
21 distance of 670.16 feet;
22 THENCE Southeasterly along said curve for an arc length of 670.27
23 feet to a 1/2 inch iron rod with a cap stamped "Arthur Surveying
24 Company" set for corner;
25 THENCE South 44 degrees 36 minutes 15 seconds East, continuing
26 along said west right of way line, a distance of 44.68 feet to the
27 POINT OF BEGINNING and containing 802.220 acres of land, more or

1 less, and being subject to any and all easements that may affect.

2 Section 3. On the effective date of this Act, the initial
3 board of directors is composed of the following persons:

- 4 (1) Position One: David Owen Butler
5 (2) Position Two: Harry Allen Starkweather
6 (3) Position Three: Stephen Wilson Griffin
7 (4) Position Four: Andrew E. Kidd
8 (5) Position Five: R. Edward Noble

9 Section 4. The Legislature finds that:

10 (1) proper and legal notice of the intention to introduce
11 this Act, setting forth the general substance of this Act, has been
12 published as provided by law, and the notice and a copy of this Act
13 have been furnished to all persons, agencies, officials, or
14 entities to which they are required to be furnished by the
15 constitution and laws of this state, including the governor, who
16 has submitted the notice and Act to the commission;

17 (2) the commission has filed its recommendations relating
18 to this Act with the governor, lieutenant governor, and speaker of
19 the house of representatives within the required time;

20 (3) the general law relating to consent by political
21 subdivisions to the creation of districts with conservation,
22 reclamation, and road powers and the inclusion of land in those
23 districts has been complied with; and

24 (4) all requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act have been
27 fulfilled and accomplished.

1 Section 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided in Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.