

By: Deuell

S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fairfields Municipal Utility District of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8162 to read as follows:

CHAPTER 8162. FAIRFIELDS MUNICIPAL UTILITY DISTRICT OF KAUFMAN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8162.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fairfields Municipal Utility District of Kaufman County.

Sec. 8162.002. NATURE OF DISTRICT. The district is a municipal utility district in Kaufman County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8162.003. FINDING OF PUBLIC USE AND BENEFIT. The district is created to serve a public use and benefit.

Sec. 8162.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8162.023 before September 1, 2009:

1 (1) the district is dissolved September 1, 2009,
2 except that the district shall:

3 (A) pay any debts incurred;

4 (B) transfer to Kaufman County any assets that
5 remain after the payment of debts; and

6 (C) maintain the organization of the district
7 until all debts are paid and remaining assets are transferred; and

8 (2) this chapter expires September 1, 2012.

9 Sec. 8162.005. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

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

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

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

19 (3) the legality or operation of the board.

20 [Sections 8162.006-8162.020 reserved for expansion]

21 SUBCHAPTER A-1. TEMPORARY PROVISIONS

22 Sec. 8162.021. TEMPORARY DIRECTORS. (a) The temporary
23 board consists of:

24 (1) ___;

25 (2) ___;

26 (3) ___;

27 (4) ___; and

1 (5) _____.

2 (b) If a temporary director fails to qualify for office, the
3 temporary directors who have qualified shall appoint a person to
4 fill the vacancy. If at any time there are fewer than three
5 qualified temporary directors, the Texas Commission on
6 Environmental Quality shall appoint the necessary number of persons
7 to fill all vacancies on the board.

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

9 (1) the date directors are elected under Section
10 8162.023; or

11 (2) the date this chapter expires under Section
12 8162.004.

13 Sec. 8162.022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 49.055, Water Code, the
16 temporary directors shall convene the organizational meeting of the
17 district at a location in the district agreeable to a majority of
18 the directors. If a location cannot be agreed upon, the
19 organizational meeting shall be at the Kaufman County Courthouse.

20 Sec. 8162.023. CONFIRMATION AND INITIAL DIRECTORS'
21 ELECTION. The temporary directors shall hold an election to
22 confirm the creation of the district and to elect five directors as
23 provided by Section 49.102, Water Code.

24 Sec. 8162.024. INITIAL ELECTED DIRECTORS; TERMS. The
25 directors elected under Section 8162.023 shall draw lots to
26 determine which two shall serve until the first regularly scheduled
27 election of directors and which three shall serve until the second

1 regularly scheduled election of directors.

2 Sec. 8162.025. EXPIRATION OF SUBCHAPTER. This subchapter
3 expires September 1, 2012.

4 [Sections 8162.026-8162.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 8162.051. DIRECTORS; TERMS. (a) The district is
7 governed by a board of five directors.

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

9 [Sections 8162.052-8162.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8162.101. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8162.102. ROAD PROJECTS. (a) The district may
17 construct, acquire, improve, maintain, or operate macadamized,
18 graveled, or paved roads or turnpikes, or improvements in aid of
19 those roads or turnpikes.

20 (b) A road project must meet all applicable construction
21 standards, zoning and subdivision requirements, and regulations of
22 each municipality in whose corporate limits or extraterritorial
23 jurisdiction the district is located. If the district is not
24 located in the corporate limits or extraterritorial jurisdiction of
25 a municipality, a road project must meet all applicable
26 construction standards, zoning and subdivision requirements, and
27 regulations of each county in which the district is located.

1 (c) The district may not undertake a road project unless
2 each municipality in whose corporate limits or extraterritorial
3 jurisdiction the district is located consents by resolution. If
4 the district is not located in the corporate limits or
5 extraterritorial jurisdiction of a municipality, the district may
6 not undertake a road project unless each county in which the
7 district is located consents by resolution.

8 Sec. 8162.103. ROAD CONTRACTS. The district may contract
9 for a road project in the manner provided by Subchapter I, Chapter
10 49, Water Code.

11 [Sections 8162.104-8162.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 8162.151. OPERATION AND MAINTENANCE TAX. (a) The
14 district may impose a tax for any district operation and
15 maintenance purpose in the manner provided by Section 49.107, Water
16 Code.

17 (b) Section 49.107(f), Water Code, does not apply to
18 reimbursements for projects constructed or acquired under Section
19 8162.102.

20 Sec. 8162.152. TAX TO REPAY BONDS. The district may impose
21 a tax to pay the principal of and interest on bonds issued under
22 Section 8162.201.

23 Sec. 8162.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
24 ASSESSMENTS. The district may not impose an impact fee or
25 assessment on the property, including the equipment,
26 rights-of-way, facilities, or improvements, of:

27 (1) an electric utility or a power generation company

1 as defined by Section 31.002, Utilities Code;

2 (2) a gas utility as defined by Section 101.003 or
3 121.001, Utilities Code;

4 (3) a telecommunications provider as defined by
5 Section 51.002, Utilities Code;

6 (4) a cable operator as defined by 47 U.S.C. Section
7 522; or

8 (5) a person who provides to the public advanced
9 telecommunications services.

10 [Sections 8162.154-8162.200 reserved for expansion]

11 SUBCHAPTER E. BONDS

12 Sec. 8162.201. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. (a) The district may issue bonds or other obligations
14 as provided by Chapters 49 and 54, Water Code, and to finance the
15 construction, maintenance, or operation of projects under Section
16 8162.102.

17 (b) The district may issue bonds or other obligations
18 payable wholly or partly from ad valorem taxes, impact fees,
19 revenue, grants, or other district money.

20 (c) The district may not issue bonds or other obligations
21 secured wholly or partly by ad valorem taxation to finance projects
22 authorized by Section 8162.102 unless the issuance is approved by a
23 vote of a two-thirds majority of district voters voting at an
24 election called for that purpose.

25 (d) Bonds or other obligations issued or incurred to finance
26 projects authorized by Section 8162.102 may not exceed one-fourth
27 of the assessed value of the real property in the district.

1 (e) Sections 49.181 and 49.182, Water Code, do not apply to
2 a project undertaken by the district under Section 8162.102 or to
3 bonds issued by the district to finance the project.

4 [Sections 8162.202-8162.250 reserved for expansion]

5 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

6 Sec. 8162.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At
7 any time before the district issues indebtedness secured by taxes
8 or net revenue, the district, including any annexed territory, may
9 be divided into two or more new districts.

10 (b) A new district created by division of the district must
11 be at least 100 acres.

12 (c) The board may consider a proposal to divide the district
13 on:

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

15 (2) a motion by the board.

16 (d) If the board decides to divide the district, the board
17 shall:

18 (1) set the terms of the division, including names for
19 the new districts and a plan for the payment or performance of any
20 outstanding district obligations; and

21 (2) prepare a metes and bounds description for each
22 proposed district.

23 Sec. 8162.252. ELECTION FOR DIVISION OF DISTRICT. (a)
24 After the board has complied with Section 8162.251(d), the board
25 shall hold an election in the district to determine whether the
26 district should be divided as proposed.

27 (b) The board shall give notice of the election not later

1 than the 35th day before the date of the election. The notice must
2 state:

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

4 (2) the proposition to be voted on.

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

7 (1) the district is divided; and

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

11 (A) the Texas Commission on Environmental
12 Quality;

13 (B) the attorney general;

14 (C) the commissioners court of each county in
15 which a new district is located; and

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

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

20 Sec. 8162.253. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
21 Not later than the 90th day after the date of an election in favor of
22 the division of the district, the board shall:

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

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

27 (b) Directors appointed under Subsection (a)(1) serve the

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

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

12 Sec. 8162.254. CONTINUING POWERS AND OBLIGATIONS OF NEW
13 DISTRICTS. (a) Each new district may incur and pay debts and has
14 all powers of the original district created by this chapter.

15 (b) If the district is divided as provided by this
16 subchapter, the current obligations and any bond authorizations of
17 the district are not impaired. Debts shall be paid by revenue or by
18 taxes or assessments imposed on real property in the district as if
19 the district had not been divided or by contributions from each new
20 district as stated in the terms set by the board under Section
21 8162.251(d).

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

25 Sec. 8162.255. CONTRACT AUTHORITY OF NEW DISTRICTS. The
26 new districts may contract with each other for:

27 (1) water and wastewater services; or

1 (2) any other matter the boards of the new districts
2 consider appropriate.

3 SECTION 2. The Fairfields Municipal Utility District of
4 Kaufman County initially includes all the territory contained in
5 the following described area:

6 TRACT 1

7 BEING a tract of and situated in the Benjamin Kimberling Survey,
8 Abstract No. 265, Joseph Russell Survey, Abstract No. 429, William
9 Clement Survey, Abstract No. 104, Hudson Tabor Survey, Abstract No.
10 542, J. H. Hamilton Survey, Abstract No. 207, A. J. Paschall Survey,
11 Abstract No. 396, E. Helmstetter Survey, Abstract No. 229, W. C.
12 Moody Survey, Abstract No. 322, William McMurry Survey, Abstract
13 No. 348, and the James W. Cude Survey, Abstract No. 90, Kaufman
14 County, Texas, and being a portion of a 834.0416 acre tract of land
15 as described in instrument to H. L. Hunt and recorded in Volume 318,
16 Page 542, a portion of a tract of land as described in instrument to
17 Hunt Oil Company and recorded in Volume 458, Page 2, all of a tract
18 of land as described in instrument to H. L. Hunt as recorded in
19 Volume 1034, Page 877, all of a tract of land as described in
20 instrument to Hunt Oil Company and recorded in Volume 2466, Page
21 210, a portion of a tract of land to H. L. Hunt as described in
22 instrument Volume 322, Page 182, all of a tract of land as described
23 in instrument to H. L. Hunt and recorded in Volume 328, Page 299,
24 all of a tract of land as described in instrument to Hunt Oil
25 Company and recorded in Volume 482, Page 410, all of a tract of land
26 as described in instrument to Hunt Oil Company and recorded in
27 Volume 2484, Page 320, all of a tract of land as described in

1 instrument to Hunt Oil Company and recorded in Volume 2489, Page
2 349, all of a tract of land as described in instrument to Hunt Oil
3 Company and recorded in Volume 2468, Page 127, all of the Deed
4 Records of Kaufman County, Texas, and being more particularly
5 described as follows:

6 BEGINNING at concrete right-of-way monument found at the
7 intersection of the southerly right-of-way line of the Union
8 Pacific Railroad (formerly the Texas & Pacific Railroad) with the
9 westerly right-of-way line of Farm-to-Market Highway No. 429 (F.M.
10 429), a 90 foot wide right-of-way as established by instrument
11 recorded in Volume 355, Page 203 of the Deed Records of Kaufman
12 County, Texas;

13 THENCE, along the westerly right-of-way line of said F.M. 429,
14 South 03 degrees 04 minutes 11 seconds East a distance of 3,527.31
15 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at
16 the beginning of a curve to the left having a radius of 565.87 feet;

17 THENCE, continuing along the southwesterly right-of-way line of
18 F.M. 429 and along said curve to the left through a central angle of
19 43 degrees 43 minutes 48 seconds, an arc length of 431.89 feet,
20 being subtended by a chord of South 24 degrees 56 minutes 05 seconds
21 East a distance of 421.48 feet to a 5/8 inch iron rod set with cap
22 stamped "Huitt-Zollars";

23 THENCE, South 46 degrees 47 minutes 59 seconds East continuing
24 along the Southwesterly right-of-way line of F.M. 429 a distance of
25 2,248.36 feet to a 3/8 inch iron rod found for the most Northerly
26 corner of a 5 acre tract of land as described in General Warranty
27 Deed to Harless Steven Rattan and wife, Reva O. Rattan as recorded

1 in Volume 1881, Page 1, Deed Records of Kaufman County, Texas;
2 THENCE, departing the Southwesterly right-of-way line of said FM
3 429, South 43 degrees 22 minutes 31 seconds West along the
4 Northwesterly line of said Rattan Tract, a distance of 838.79 feet
5 to a 3/8 inch iron rod found for the most Westerly corner of said
6 Rattan Tract;
7 THENCE, South 46 degrees 46 minutes 43 seconds East a distance of
8 259.56 feet to a point for a corner on the southeasterly line of
9 said McCaghren Tract, from which a 3/8 inch iron rod found bears
10 North 87 degrees 13 minutes 08 seconds East, a distance of 0.68 feet
11 and a second 3/8 inch iron rod found bears South 49 degrees 11
12 minutes 33 seconds West, a distance of 2.24 feet;
13 THENCE, South 43 degrees 21 minutes 30 seconds West a distance of
14 1,275.46 feet to a 5/8 inch iron rod set with cap stamped
15 "Huitt-Zollars" at the North corner of said tract of land to H. L.
16 Hunt, as recorded in Volume 1034, Page 877, said point being the
17 North corner of the said William Clements Survey;
18 THENCE, South 47 degrees 03 minutes 28 seconds East with the
19 Northeast line of the said William Clements Survey and continuing
20 with the Northerly Northeast line of the said Joseph Russell Survey
21 a distance of 5,301.60 feet to a bent 5/8 iron rod found, said rod
22 being in the Northwest line of the H. L. Hunt tract as described in
23 Volume 318, Page 542;
24 THENCE, North 43 degrees 07 minutes 35 seconds East along the
25 Northwest line of the H. L. Hunt tract as described in Volume 318,
26 Page 542 a distance of 3,067.25 feet to a 5/8 inch iron rod set with
27 cap stamped "Huitt-Zollars" in the Southwest right-of-way line of

1 F.M. 429 and being the beginning of a non-tangent curve to the left
2 having a radius of 1,190.92 feet;
3 THENCE, in a Southeasterly direction along the Southwest
4 right-of-way line of F.M. 429 along said curve to the left through a
5 central angle of 04 degree 12 minutes 53 seconds, an arc length of
6 87.61 feet, being subtended by a chord of South 73 degrees 11
7 minutes 23 seconds East a distance of 87.59 feet to a 5/8 inch iron
8 rod set with cap stamped "Huitt-Zollars" in a North line of said H.
9 L. Hunt tract as described in Volume 318, Page 542;
10 THENCE, South 58 degrees 51 minutes 00 seconds East along the North
11 line of the last mentioned H. L. Hunt tract a distance of 58.41 feet
12 to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at the
13 beginning of a curve to the left having a radius of 364.54 feet;
14 THENCE, continuing along the North line of the last mentioned H. L.
15 Hunt tract along said curve to the left through a central angle of
16 56 degrees 25 minutes 53 seconds, an arc length of 359.04 feet,
17 being subtended by a chord of South 87 degrees 03 minutes 57 seconds
18 East a distance of 344.70 feet to a 5/8 inch iron rod set with cap
19 stamped "Huitt-Zollars" in the Southwest right-of-way line of F. M.
20 429;
21 THENCE, continuing along the Southwest right-of-way line of F.M.
22 429 the following courses and distances:
23 South 86 degrees 09 minutes 28 seconds East a distance of 77.03 feet
24 to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at the
25 beginning of a curve to the right having a radius of 671.20 feet;
26 along said curve to the right through a central angle of 40 degrees
27 09 minutes 57 seconds, an arc length of 470.53 feet, being subtended

1 by a chord of South 66 degrees 04 minutes 29 seconds East a distance
2 of 460.95 feet to a 5/8 inch iron rod set with cap stamped
3 "Huitt-Zollars";
4 South 45 degrees 59 minutes 30 seconds East a distance of 2,629.80
5 feet to a point for corner, from which a concrete Texas Department
6 of Transportation (TxDOT) monument found bears North 37 degrees 36
7 minutes 31 seconds East, 0.48 feet, said point being the beginning
8 of a non-tangent curve to the right having a radius of 2,819.79
9 feet;
10 along said curve to the right through a central angle of 06 degrees
11 48 minutes 00 seconds, an arc length of 334.66 feet, being subtended
12 by a chord of South 42 degrees 35 minutes 30 seconds East a distance
13 of 334.46 feet to a point for corner, from which a concrete Texas
14 Department of Transportation (TxDOT) monument found bears North 71
15 degrees 55 minutes 44 seconds West, 0.48 feet;
16 South 39 degrees 11 minutes 30 seconds East a distance of 115.12
17 feet to a point for corner, from which a concrete Texas Department
18 of Transportation (TxDOT) monument found bears North 14 degrees 10
19 minutes 37 seconds West, 0.26 feet, said point being the beginning
20 of a curve to the left having a radius of 2,909.79 feet;
21 along said curve to the left through a central angle of 06 degrees
22 12 minutes 00 seconds, an arc length of 314.87 feet, being subtended
23 by a chord of South 42 degrees 17 minutes 30 seconds East a distance
24 of 314.72 feet to a 5/8 inch iron rod set with cap stamped
25 "Huitt-Zollars";
26 South 45 degrees 23 minutes 30 seconds East a distance of 705.00
27 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at

1 the beginning of a curve to the left having a radius of 2,909.83
2 feet;
3 along said curve to the left through a central angle of 05 degrees
4 27 minutes 28 seconds, an arc length of 277.18 feet, being subtended
5 by a chord of South 48 degrees 06 minutes 43 seconds East a distance
6 of 277.07 feet to a 5/8 inch iron rod set with cap stamped
7 "Huitt-Zollars";
8 South 50 degrees 32 minutes 30 seconds East a distance of 154.67
9 feet to a point for corner, from which a concrete Texas Department
10 of Transportation (TxDOT) monument found bears North 66 degrees 02
11 minutes 36 seconds West, 0.30 feet at the beginning of a curve to
12 the right having a radius of 1,387.64 feet;
13 along said curve to the right through a central angle of 07 minutes
14 40 minutes 00 seconds, an arc length of 185.68 feet, being subtended
15 by a chord of South 46 degrees 42 minutes 30 seconds East a distance
16 of 185.54 feet to a 5/8 inch iron rod set with cap stamped
17 "Huitt-Zollars"
18 South 42 degrees 52 minutes 30 seconds East a distance of 316.47
19 feet to a point for corner, said point being in Northwest line of a
20 tract of land described in instrument to Ernest V. Rogers and wife,
21 Cynthia Sue Rogers and recorded in Volume 952, Page 788 of the Deed
22 Records of Kaufman County, Texas, from which a 1/2 inch iron rod
23 found bears South 44 degrees 48 minutes 38 seconds, 0.48 feet;
24 THENCE, South 44 degrees 48 minutes 38 seconds West along the
25 Northwest line of the said Rogers and the southeast line of the said
26 H. L. Hunt tract as described in Volume 458, Page 2, a distance of
27 2,422.47 feet to a fence corner post;

1 THENCE, North 45 degrees 19 minutes 53 seconds West a distance of
2 1,756.49 feet to a fence corner post;
3 THENCE, South 42 degrees 59 minutes 38 seconds West a distance of
4 1,465.41 feet to a fence corner post;
5 THENCE, South 46 degrees 07 minutes 41 seconds East a distance of
6 1,642.52 feet to a fence corner post;
7 THENCE, South 43 degrees 02 minutes 42 seconds West a distance of
8 888.12 feet to a 10" Hackberry Tree found on the north line of
9 Interstate Highway 20;
10 THENCE, along the north right-of-way line of Interstate Highway 20
11 the following courses and distance:
12 North 74 degrees 59 minutes 38 seconds West a distance of 2,680.90
13 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
14 North 75 degrees 26 minutes 04 seconds West a distance of 1,300.04
15 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
16 North 74 degrees 59 minutes 38 seconds West a distance of 1,600.00
17 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
18 North 66 degrees 27 minutes 38 seconds West a distance of 303.36
19 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
20 North 27 degrees 15 minutes 38 seconds West a distance of 148.64
21 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
22 North 35 degrees 13 minutes 22 seconds East a distance of 249.92
23 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
24 North 44 degrees 22 minutes 22 seconds East a distance of 107.90
25 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
26 North 45 degrees 51 minutes 38 seconds West a distance of 368.81
27 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars at

1 the most Westerly Northwest corner of a tract of land as described
2 in instrument to H. L. Hunt and recorded in Volume 318, Page 542;
3 THENCE, North 43 degrees 06 minutes 41 seconds East along the
4 northwest line of said H. L. Hunt tract as recorded in Volume 318,
5 Page 542 a distance of 24.21 feet to a 5/8 inch iron rod set with cap
6 stamped "Huitt-Zollars at the south corner of said H. L. Hunt tract
7 as recorded in Volume 1034, Page 877;
8 THENCE, North 46 degrees 18 minutes 38 seconds West along the
9 Southwest line of said H. L. Hunt tract as recorded in Volume 1034,
10 Page 877 a distance of 5,289.65 feet to a 1/2 iron rod found at the
11 west corner of the last mentioned H. L. Hunt tract;
12 THENCE, North 43 degrees 04 minutes 01 seconds East along the
13 Northwest line of the last mentioned H. L. Hunt tract a distance of
14 0.56 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars
15 in the north right-of-way line of Airport Road as established by
16 instrument to the City of Terrell for road right-of-way dated July
17 27, 2004;
18 THENCE, along the North right-of-way line of Airport Road the
19 following courses and distances:
20 North 46 degrees 42 minutes 19 seconds West a distance of 136.81
21 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
22 North 46 degrees 21 minutes 25 seconds West a distance of 480.30
23 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
24 North 46 degrees 08 minutes 50 seconds West a distance of 582.25
25 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
26 North 46 degrees 42 minutes 43 seconds West a distance of 195.07
27 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;

1 North 48 degrees 12 minutes 12 seconds West a distance of 100.52
2 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
3 North 49 degrees 05 minutes 54 seconds West a distance of 151.43
4 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
5 North 45 degrees 04 minutes 36 seconds West a distance of 1,121.91
6 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars in
7 the Northwest line of the said Hunt Oil Company tract as recorded in
8 Volume 2466, Page 210;
9 THENCE, South 43 degrees 35 minutes 44 seconds West along the
10 Northwest line of the last mentioned Hunt Oil Company tract a
11 distance of 91.96 feet to a cut cross found in concrete at the West
12 corner of the said Hunt Oil Company tract as recorded in Volume
13 2466, Page 210, said corner also being the south corner of the said
14 H. L. Hunt tract as recorded in Volume 328, Page 299;
15 THENCE, North 42 degrees 27 minutes 27 seconds West along the
16 Southwest line of the said H. L. Hunt tract as recorded in Volume
17 328, Page 299 a distance of 769.09 feet to a 5/8 inch iron rod set
18 with cap stamped "Huitt-Zollars;
19 THENCE, North 46 degrees 19 minutes 18 seconds West continuing
20 along the Southwest line of the last mention H. L. Hunt tract a
21 distance of 2,272.73 feet to a cut cross set in concrete at the west
22 corner of the last mentioned H. L. Hunt tract;
23 THENCE, North 64 degrees 21 minutes 57 seconds East along a
24 Northwest line of the last mention H. L. Hunt tract a distance of
25 1,775.49 feet to a fence corner, same being a large tree;
26 THENCE, North 30 degrees 23 minutes 40 seconds East along a West
27 line of the last mention H. L. Hunt tract a distance of 166.50 feet

1 to a railroad spike set in tree root;
2 THENCE, North 14 degrees 01 minute 46 seconds West continuing along
3 a Southwest line of the last mention H. L. Hunt tract a distance of
4 226.95 feet to a 5/8 inch iron rod set with cap stamped
5 "Huitt-Zollars in fence line;
6 THENCE, North 21 degrees 49 minutes 11 seconds West continuing
7 along a Southwest line of the last mention H. L. Hunt tract and
8 along a fence line a distance of 294.75 feet to a fence corner post;
9 THENCE, North 27 degrees 38 minutes 46 seconds West continuing
10 along a Southwest line of the last mention H. L. Hunt tract and
11 along a fence line a distance of 785.05 feet to a fence corner post;
12 THENCE, North 25 degrees 07 minutes 59 seconds West continuing
13 along a Southwest line of the last mention H. L. Hunt tract and
14 along a fence a distance of 520.74 feet to a 1/2 iron rod found with
15 cap stamped "Neagles RPLS 5239";
16 THENCE, North 73 degrees 05 minutes 55 seconds West a distance of
17 742.11 feet to a 5/8 inch iron rod found;
18 THENCE, South 64 degrees 39 minutes 12 seconds West continuing a
19 Southeast line of the last mention H. L. Hunt tract a distance of
20 382.45 feet to a fence corner post;
21 THENCE, North 46 degrees 40 minutes 18 seconds West continuing
22 along a Southwest line of the last mention H. L. Hunt tract and
23 along a fence line and an extension thereof a distance of 287.37
24 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars in
25 the centerline of a road at the most northerly west corner of the
26 last mentioned H. L. Hunt tract, from which a 1/2 inch iron rod
27 found bears North 63 degrees 28 minutes 24 seconds West, 2.38 feet;

1 THENCE, North 43 degrees 13 minutes 19 seconds East along a
2 Northwest line of the last mentioned H.L. Hunt and along the
3 centerline of a road a distance of 1,259.54 feet to a 5/8 inch iron
4 rod set with cap stamped "Huitt-Zollars in the centerline of
5 College Mound Road;

6 THENCE, South 47 degrees 34 minutes 51 seconds East along a
7 Northeast line of the last mentioned H.L. Hunt and along the
8 centerline of College Mound Road a distance of 1,080.86 feet to a
9 5/8 inch iron rod set with cap stamped "Huitt-Zollars;

10 THENCE, South 73 degrees 23 minutes 16 seconds East continuing
11 along a Northerly line of the last mentioned H.L. Hunt and along the
12 centerline of College Mound Road a distance of 691.14 feet to a
13 metal bar found in the center of a wooden bridge, same being the
14 centerline of Kings Creek;

15 THENCE, North 13 degrees 19 minutes 44 seconds East along the
16 centerline of Kings Creek a distance of 30.33 feet to the Southeast
17 corner of the Greenbelt Addition, recorded in Cabinet 1, Sleeve 324
18 of the Plat Records of Kaufman County, Texas;

19 THENCE, with the Northeasterly line of the said Greenbelt Addition
20 and the centerline of Kings Creek the following courses and
21 distances:

22 North 09 degrees 03 minutes 42 seconds East a distance of 47.11 feet
23 to a point for corner;

24 North 36 degrees 13 minutes 18 seconds West a distance of 36.15 feet
25 to a point for corner;

26 North 74 degrees 58 minutes 16 seconds West a distance of 307.46
27 feet to a point for corner;

1 North 02 degrees 53 minutes 41 seconds West a distance of 38.38 feet
2 to a point for corner;
3 North 44 degrees 58 minutes 25 seconds East a distance of 107.34
4 feet to a point for corner;
5 North 02 degrees 08 minutes 44 seconds East a distance of 45.54 feet
6 to a point for corner;
7 North 42 degrees 29 minutes 01 second West a distance of 100.80 feet
8 to a point for corner;
9 North 34 degrees 15 minutes 02 seconds East a distance of 116.47
10 feet to a point for corner;
11 North 10 degrees 59 minutes 15 seconds East a distance of 55.00 feet
12 to a point for corner;
13 North 31 degrees 10 minutes 25 seconds West a distance of 171.33
14 feet to a point for corner;
15 North 25 degrees 01 minutes 25 seconds East a distance of 70.09 feet
16 to a point for corner;
17 North 74 degrees 52 minutes 25 seconds East a distance of 120.41
18 feet to a point for corner;
19 North 01 degree 02 minutes 44 seconds East a distance of 52.80 feet
20 to a point for corner;
21 North 18 degrees 07 minutes 02 seconds West a distance of 111.02
22 feet to a point for corner;
23 North 40 degrees 43 minutes 56 seconds East a distance of 40.31 feet
24 to the confluence of Kings Creek and a branch for corner;
25 THENCE, with the Northeasterly line of the said Greenbelt Addition
26 and the centerline of Branch the following courses and distances:
27 North 14 degrees 09 minutes 42 seconds West a distance of 122.13

1 feet to a point for corner;
2 North 73 degrees 19 minutes 07 seconds West a distance of 22.83 feet
3 to a point for corner;
4 North 45 degrees 24 minutes 53 seconds West a distance of 127.01
5 feet to a point for corner;
6 North 07 degrees 38 minutes 33 seconds West a distance of 15.00 feet
7 to a point for corner;
8 North 49 degrees 28 minutes 56 seconds West a distance of 46.17 feet
9 to a point for corner;
10 North 18 degrees 48 minutes 09 seconds West a distance of 59.93 feet
11 to a point for corner;
12 North 34 degrees 18 minutes 35 seconds West a distance of 203.21
13 feet to a point for corner;
14 North 74 degrees 55 minutes 58 seconds West a distance of 73.06 feet
15 to a point for corner;
16 North 37 degrees 01 minute 03 seconds West a distance of 284.75 feet
17 to the north corner of said Greenbelt Addition;
18 THENCE, South 42 degrees 27 minutes 36 seconds West along the
19 northwest side of the said Greenbelt Addition a distance of 48.18
20 feet to a fence corner post, said post being in the southwest line
21 of the Hunt Oil Company tract as recorded in Volume 482, Page 410;
22 THENCE, North 46 degrees 55 minutes 28 seconds West along a
23 southwest line of the last mentioned Hunt Oil Company tract and
24 along a fence line a distance of 2,111.39 feet to a fence corner
25 post;
26 THENCE, North 51 degrees 15 minutes 08 seconds East along a
27 northwesterly line of the last mentioned Hunt Oil Company tract and

1 along a fence line passing at 310.00 feet a 5/8 inch iron rod set, in
2 all a distance of 320.00 feet to an inner ell corner of the Hunt Oil
3 Company tract as recorded in Volume 482, Page 410;

4 THENCE, North 63 degrees 38 minutes 20 seconds West along a
5 southwest line of the last mentioned Hunt Oil Company tract a
6 distance of 324.26 feet to a 5/8 inch iron rod set with cap stamped
7 "Huitt-Zollars";

8 THENCE, North 61 degrees 09 minutes 01 second West continuing along
9 a southwest line of the last mentioned Hunt Oil Company tract a
10 distance of 445.60 feet to a fence corner post in the southerly
11 right-of-way line of the Union Pacific Railroad spur, said post
12 being the beginning of a non-tangent curve to the right having a
13 radius of 795.00 feet;

14 THENCE, along the southerly right-of-way line of the Texas &
15 Pacific Railroad spur and along a curve to the right through a
16 central angle of 20 degrees 21 minutes 36 seconds, an arc length of
17 282.50 feet, being subtended by a chord of North 77 degrees 21
18 minutes 05 seconds East a distance of 281.02 feet to a 5/8 inch iron
19 rod set with cap stamped "Huitt-Zollars" in the south right-of-way
20 line of the Union Pacific Railroad, a 100.00 foot wide
21 right-of-way;

22 THENCE, South 82 degrees 57 minutes 54 seconds East along the south
23 right-of-way line of the Union Pacific Railroad a distance of
24 3,744.63 feet to a 5/8 inch iron rod set with cap stamped
25 "Huitt-Zollars" at the northwest corner of a tract of land as
26 described in instrument to Texas Power and Light Company as
27 recorded in Volume 526, Page 665 of the Deed Records of Kaufman

1 County, Texas;

2 THENCE, South 11 degrees 36 minutes 24 seconds West departing the
3 south right-of-way line of the Union Pacific Railroad and along the
4 west line of the said Texas Power and Light Company tract a distance
5 of 300.79 feet to a 5/8 inch iron rod set with cap stamped
6 "Huitt-Zollars" at the southwest corner of the said Texas Power and
7 Light Company Tract;

8 THENCE, along the southerly line of said Texas Power and Light
9 Company Tract, South 83 degrees 00 minutes 21 seconds East along the
10 south line of the said Texas Power and Light Company tract passing
11 at 110.00 feet a concrete Texas Power & Light Company monument with
12 a brass cap found at the southeast corner of the last mentioned
13 Texas Power and Light Company tract, said monument also being the
14 southwest corner of a tract of land as described in instrument to
15 Texas Power & Light Company as recorded in Volume 195, Page 158 of
16 the Deed Records of Kaufman County, Texas, in all a distance of
17 410.66 feet to a galvanized steel post in concrete stamped "T P & L
18 Co. prop. corner" at the southeast corner of said Texas Power and
19 Light Company Tract;

20 THENCE, along the easterly line of said Texas Power and Light
21 Company Tract (Vol. 195, Page 158) and continuing along the
22 aforementioned Texas Power and Light Company Tract (Vol. 206, Page
23 380) North 11 degrees 27 minutes 59 seconds East a distance of
24 300.44 feet (Deed North 13 degrees 27 minutes 16 seconds East,
25 300.00 feet) to a one inch iron rod found in the south right-of-way
26 line of the Union Pacific Railroad;

27 THENCE, South 82 degrees 57 minutes 54 seconds East along the south

1 right-of-way line of the Union Pacific Railroad a distance of
2 2,270.17 feet to the POINT OF BEGINNING and CONTAINING 2,352.6
3 acres of land, more or less.

4 TRACT 2

5 BEING a tract of land situated in the Benjamin Kimberling Survey,
6 Abstract No. 265, Kaufman County, Texas, and being a portion of a
7 834.0416 acre tract of land as described in instrument to H. L. Hunt
8 as recorded in Volume 318, Page 542, subsequently deeded to Hunt Oil
9 Company in Volume 427, Page 119 of the Deed Records of Kaufman
10 County, Texas, and being a portion of a 22.634 acre tract of land as
11 described in instrument to Hunt Oil Company as recorded in Volume
12 2622, Page 444 of the Deed Records of Kaufman County, Texas, and
13 being all of a 65.24 acre tract of land as described in instrument
14 to Hunt Oil Company as recorded in Volume 2723, Page 294 of the Deed
15 Records of Kaufman County, Texas, and being more particularly
16 described as follows:

17 BEGINNING 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at
18 the intersection of the south right-of-way line of Interstate
19 Highway 20, a variable width right-of-way, with the east line of the
20 Kaufman-Van Zandt Baptist Area Church, Inc. tract as described in
21 instrument recorded in Volume 1470, Page 1 of the Deed Records of
22 Kaufman County, Texas;

23 THENCE, along the south right-of-way of Interstate Highway 20 the
24 following:

25 South 74 degrees 59 minutes 38 seconds East a distance of 1,388.56
26 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars";

27 South 74 degrees 06 minutes 45 seconds East a distance of 1,300.15

1 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars",
2 from which a Texas Department of Transportation concrete highway
3 monument found bears South 33 degrees 20 minutes 55 seconds East,
4 1.16 feet;
5 South 74 degrees 59 minutes 38 seconds East a distance of 2,473.19
6 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" in
7 a southeast line of the said H. L. Hunt tract, from which a Texas
8 Department of Transportation concrete highway monument found bears
9 South 78 degrees 07 minutes 55 seconds East, 1.47 feet;
10 South 74 degrees 59 minutes 38 seconds East a distance of 326.81
11 feet to a five-eighths inch iron rod set with cap stamped
12 "Huitt-Zollars", from which a TxDOT concrete monument found bears
13 South 84 degrees 10 minutes 06 seconds East, 1.13 feet;
14 South 74 degrees 30 minutes 59 seconds East a distance of 600.02
15 feet to a point for corner, from which a TxDOT concrete monument
16 found bears North 47 degrees 49 minutes 51 seconds East, 0.33 feet;
17 South 74 degrees 59 minutes 38 seconds East a distance of 600.00
18 feet to a point for corner, from which a TxDOT concrete monument
19 found bears South 75 degrees 52 minutes 04 seconds East, 0.48 feet;
20 South 73 degrees 33 minutes 42 seconds East a distance of 400.12
21 feet to a point for corner, from which a TxDOT concrete monument
22 found bears North 13 degrees 14 minutes 53 seconds East, 0.48 feet;
23 South 74 degrees 59 minutes 38 seconds East a distance of 78.53 feet
24 to a five-eighths inch iron rod found with cap stamped
25 "Huitt-Zollars" in the southeasterly line of said Hunt Oil Company
26 tract (Vol. 2723, Pg. 294);
27 THENCE, South 46 degrees 58 minutes 57 seconds West along the

1 southeast line of the last mentioned Hunt Oil Company tract a
2 distance of 2,162.15 feet to a fence corner post at the south corner
3 of the said last mentioned Hunt Oil Company tract;

4 THENCE, North 46 degrees 30 minutes 03 seconds West along the
5 southwest line of the last mentioned Hunt Oil Company tract a
6 distance of 1,628.60 feet to a fence corner post at the west corner
7 of the last mentioned Hunt Oil Company tract, said corner also being
8 a south corner of the said Hunt Oil Company Tract (Vol. 427, Pg.
9 119) and the west corner of said Hunt Oil Company tract (Vol. 2723,
10 Pg. 294);

11 THENCE, North 46 degrees 52 minutes 48 seconds West along a
12 southwest line of the said Hunt Oil Company tract (Vol. 427, Pg.
13 119) and along a fence line a distance of 744.85 feet to the
14 southeast line of the said Hunt Oil Company tract (Vol. 2622, Pg.
15 444);

16 THENCE, South 44 degrees 33 minutes 51 seconds West along a
17 southeast of the last mentioned Hunt Oil Company tract a distance of
18 1,374.94 feet to a 5/8 inch iron rod set with cap stamped
19 "Huitt-Zollars";

20 THENCE, North 46 degrees 22 minutes 46 seconds West a distance of
21 200.00 feet to a five-eighths inch iron rod found with cap stamped
22 "Huitt-Zollars";

23 THENCE, South 44 degrees 33 minutes 51 seconds West a distance of
24 217.83 feet to a five-eighths inch iron rod found with cap stamped
25 "Huitt-Zollars" on the south line of the last mentioned Hunt Oil
26 Company tract;

27 THENCE, North 46 degrees 22 minutes 46 seconds West a distance of

1 419.46 feet to the west corner of the last mentioned Hunt Oil
2 Company tract, and being on the southeast line of the said Hunt Oil
3 Company (Vol. 427, Pg. 119), from which a five-eighths inch iron rod
4 found with cap stamped "Huitt-Zollars", bears North 44 degrees 37
5 minutes 00 seconds East a distance of 20.77 feet;
6 THENCE, South 44 degrees 37 minutes 00 seconds West a distance of
7 5.65 feet to the southern most corner of the last mentioned Hunt Oil
8 Company tract, and being in the centerline of County Road 136;
9 THENCE, North 45 degrees 58 minutes 05 seconds West along a
10 southwest line of the last mentioned Hunt Oil Company tract and
11 generally along the centerline of said County Road 136, a distance
12 of 3,081.35 feet to a PK nail found at the most southerly corner of
13 said Kaufman-Van Zandt Baptist Area Church, Inc. tract;
14 THENCE, North 43 degrees 49 minutes 13 seconds East along the east
15 line of said Kaufman-Van Zandt Baptist Area Church, Inc. tract a
16 distance of 195.34 feet to a 5/8 inch iron rod set with cap stamped
17 "Huitt-Zollars";
18 THENCE, North 14 degrees 34 minutes 18 seconds East continuing
19 along the east line of said Kaufman-Van Zandt Baptist Area Church,
20 Inc. tract a distance of 168.66 feet to a the POINT OF BEGINNING and
21 CONTAINING 201.3 acres of land, more or less.

22 TRACT 3

23 BEING a tract of land situated in the Benjamin Kimberling Survey,
24 Abstract No. 265 and the Joseph Russell Survey, Abstract No. 429,
25 Kaufman County, Texas, and being a portion of a tract of 110.5 acre
26 tract of land as described in instrument to H. L. Hunt as recorded
27 in Volume 322, Page 129 of the Deed Records of Kaufman County,

1 Texas, and being more particularly described as follows:

2 BEGINNING 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at
3 the west corner of said Hunt tract, said point being at the
4 intersection of the projected centerline of F.M. 429 (formerly
5 known as College Mound Road) with the centerline of Kaufman County
6 Road No. 309;

7 THENCE, North 43 degrees 58 minutes 52 seconds East along the
8 northwest line of said Hunt tract a distance of 2,252.13 feet to a
9 fence corner post;

10 THENCE, South 46 degrees 32 minutes 42 seconds East along the
11 northeast line of said Hunt tract and along a fence line a distance
12 of 2,129.12 feet to a 5/8 inch iron rod set with cap stamped
13 "Huitt-Zollars" at the east corner of said Hunt tract;

14 THENCE, South 44 degrees 17 minutes 57 seconds West along the
15 southeast line of said Hunt tract and along a fence line a distance
16 of 2,227.72 feet to a 5/8 inch iron rod set with cap stamped
17 "Huitt-Zollars" in the northerly right-of-way line of F.M. 429, a
18 90.0 foot wide right-of-way, as established deed recorded in Volume
19 355, Page 221 of the Deed Records of Kaufman County, Texas;

20 THENCE, North 45 degrees 59 minutes 30 seconds West along the
21 northerly right-of-way line of F.M. 429 a distance of 1,623.46 feet
22 to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at the
23 beginning of a curve to the left having a radius of 761.20 feet;

24 THENCE, continuing along the northerly right-of-way line of F.M.
25 429 and along said curve to the left through a central angle of 19
26 degrees 47 minutes 59 seconds, arc length of 263.05 feet, being
27 subtended by a chord of North 55 degrees 53 minutes 30 seconds West

1 a distance of 261.74 feet to a 5/8 inch iron rod set with cap stamped
2 "Huitt-Zollars" in the southwest line of the said Hunt tract;
3 THENCE, North 45 degrees 59 minutes 30 seconds West along the
4 southwest line of the said Hunt tract a distance of 235.34 feet a
5 the POINT OF BEGINNING and CONTAINING 108.39 acres of land, more or
6 less.

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

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

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

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

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

S.B. No. 323

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.