

By: Laubenberg

H.B. No. 4702

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Sienna Ranch Municipal Utility District No. 1 of Collin County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8305 to read as follows:

CHAPTER 8305. SIENNA RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF

COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8305.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Sienna Ranch Municipal Utility District No. 1 of Collin County.

Sec. 8305.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8305.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8305.004. CONSENT OF MUNICIPALITY AND ANNEXATION INTO CORPORATE LIMITS REQUIRED. The temporary directors may not hold an

1 election under Section 8305.003 until:

2 (1) the City of Nevada has consented by ordinance or  
3 resolution to the creation of the district and to the inclusion of  
4 land in the district; and

5 (2) all of the territory of the district has been  
6 annexed into the corporate limits of the city of Nevada.

7 Sec. 8305.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
8 The district is created to serve a public purpose and benefit.

9 (b) The district is created to accomplish the purposes of:

10 (1) a municipal utility district as provided by  
11 general law and Section 59, Article XVI, Texas Constitution; and

12 (2) Section 52, Article III, Texas Constitution, that  
13 relate to the construction, acquisition, improvement, operation,  
14 or maintenance of macadamized, graveled, or paved roads, or  
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 8305.006. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act creating this chapter.

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

23 (1) organization, existence, or validity;

24 (2) right to issue any type of bond for the purposes  
25 for which the district is created or to pay the principal of and  
26 interest on a bond;

27 (3) right to impose a tax; or

1           (4) legality or operation.

2           [Sections 8305.007-8305.050 reserved for expansion]

3                   SUBCHAPTER B. BOARD OF DIRECTORS

4           Sec. 8305.051. GOVERNING BODY; TERMS. (a) The district is  
5 governed by a board of five elected directors.

6           (b) Except as provided by Section 8305.052, directors serve  
7 staggered four-year terms.

8           Sec. 8305.052. TEMPORARY DIRECTORS. (a) On or after the  
9 effective date of the Act creating this chapter, the owner or owners  
10 of a majority of the assessed value of the real property in the  
11 district may submit a petition to the Texas Commission on  
12 Environmental Quality requesting that the commission appoint as  
13 temporary directors the five persons named in the petition. The  
14 commission shall appoint as temporary directors the five persons  
15 named in the petition.

16           (b) Temporary directors serve until the earlier of:

17                   (1) the date permanent directors are elected under  
18 Section 8305.003; or

19                   (2) the fourth anniversary of the effective date of  
20 the Act creating this chapter.

21           (c) If permanent directors have not been elected under  
22 Section 8305.003 and the terms of the temporary directors have  
23 expired, successor temporary directors shall be appointed or  
24 reappointed as provided by Subsection (d) to serve terms that  
25 expire on the earlier of:

26                   (1) the date permanent directors are elected under  
27 Section 8305.003; or

1           (2) the fourth anniversary of the date of the  
2 appointment or reappointment.

3           (d) If Subsection (c) applies, the owner or owners of a  
4 majority of the assessed value of the real property in the district  
5 may submit a petition to the commission requesting that the  
6 commission appoint as successor temporary directors the five  
7 persons named in the petition. The commission shall appoint as  
8 successor temporary directors the five persons named in the  
9 petition.

10           [Sections 8305.053-8305.100 reserved for expansion]

11                           SUBCHAPTER C. POWERS AND DUTIES

12           Sec. 8305.101. GENERAL POWERS AND DUTIES. The district has  
13 the powers and duties necessary to accomplish the purposes for  
14 which the district is created.

15           Sec. 8305.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
16 DUTIES. The district has the powers and duties provided by the  
17 general law of this state, including Chapters 49 and 54, Water Code,  
18 applicable to municipal utility districts created under Section 59,  
19 Article XVI, Texas Constitution.

20           Sec. 8305.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
21 52, Article III, Texas Constitution, the district may design,  
22 acquire, construct, finance, issue bonds for, improve, operate,  
23 maintain, and convey to this state, a county, or a municipality for  
24 operation and maintenance macadamized, graveled, or paved roads, or  
25 improvements, including storm drainage, in aid of those roads.

26           Sec. 8305.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
27 project must meet all applicable construction standards, zoning and

1 subdivision requirements, and regulations of each municipality in  
2 whose corporate limits or extraterritorial jurisdiction the road  
3 project is located.

4 (b) If a road project is not located in the corporate limits  
5 or extraterritorial jurisdiction of a municipality, the road  
6 project must meet all applicable construction standards,  
7 subdivision requirements, and regulations of each county in which  
8 the road project is located.

9 (c) If the state will maintain and operate the road, the  
10 Texas Transportation Commission must approve the plans and  
11 specifications of the road project.

12 Sec. 8305.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
13 OR RESOLUTION. The district shall comply with all applicable  
14 requirements of any ordinance or resolution that is adopted under  
15 Section 54.016 or 54.0165, Water Code, and that consents to the  
16 creation of the district or to the inclusion of land in the  
17 district.

18 Sec. 8305.106. EFFECT OF ANNEXATION BY CITY OF NEVADA. (a)  
19 The City of Nevada may annex part of the territory of the district  
20 into its corporate limits without annexing all of the territory of  
21 the district under an agreement entered into before the effective  
22 date of the Act creating this chapter between the City of Nevada and  
23 the landowners of the land being annexed. The district continues in  
24 existence following annexation of part of the territory of the  
25 district as described by this subsection.

26 (b) The district shall be dissolved and its debts and  
27 obligations assumed by the City of Nevada in accordance with

1 Chapter 43, Local Government Code, including Sections 43.075 and  
2 43.0715, on annexation of all of the territory of the district by  
3 the City of Nevada, provided that:

4 (1) water, sanitary sewer, and drainage improvements,  
5 and roads have been constructed to serve at least 95 percent of the  
6 territory of the district; or

7 (2) the board adopts a resolution consenting to the  
8 dissolution of the district.

9 (c) Notwithstanding Section 54.016(f)(2), Water Code, a  
10 contract ("Allocation Agreement") between the City of Nevada and  
11 the district that provides for the allocation of the taxes or  
12 revenues of the district and the city following the date of  
13 inclusion of all the district's territory in the corporate limits  
14 of the city, may provide that the total annual ad valorem taxes  
15 collected by the city and the district from taxable property in the  
16 district may exceed the city's ad valorem tax on the property.

17 Sec. 8305.107. LIMITATION ON USE OF EMINENT DOMAIN. The  
18 district may not exercise the power of eminent domain outside the  
19 district to acquire a site or easement for:

20 (1) a road project authorized by Section 8305.103; or

21 (2) a recreational facility as defined by Section  
22 49.462, Water Code.

23 [Sections 8305.108-8305.150 reserved for expansion]

24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

25 Sec. 8305.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
26 district may issue, without an election, bonds and other  
27 obligations secured by:

1           (1) revenue other than ad valorem taxes; or

2           (2) contract payments described by Section 8305.153.

3           (b) The district must hold an election in the manner  
4 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
5 before the district may impose an ad valorem tax or issue bonds  
6 payable from ad valorem taxes.

7           (c) The district may not issue bonds payable from ad valorem  
8 taxes to finance a road project unless the issuance is approved by a  
9 vote of a two-thirds majority of the district voters voting at an  
10 election held for that purpose.

11           Sec. 8305.152. OPERATION AND MAINTENANCE TAX. (a) If  
12 authorized at an election held under Section 8305.151, the district  
13 may impose an operation and maintenance tax on taxable property in  
14 the district in accordance with Section 49.107, Water Code.

15           (b) The board shall determine the tax rate. The rate may not  
16 exceed the rate approved at the election.

17           Sec. 8305.153. CONTRACT TAXES. (a) In accordance with  
18 Section 49.108, Water Code, the district may impose a tax other than  
19 an operation and maintenance tax and use the revenue derived from  
20 the tax to make payments under a contract after the provisions of  
21 the contract have been approved by a majority of the district voters  
22 voting at an election held for that purpose.

23           (b) A contract approved by the district voters may contain a  
24 provision stating that the contract may be modified or amended by  
25 the board without further voter approval.

26           [Sections 8305.154-8305.200 reserved for expansion]

1                   SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2           Sec. 8305.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3 OBLIGATIONS. The district may issue bonds or other obligations  
4 payable wholly or partly from ad valorem taxes, impact fees,  
5 revenue, contract payments, grants, or other district money, or any  
6 combination of those sources, to pay for any authorized district  
7 purpose.

8           Sec. 8305.202. TAXES FOR BONDS. At the time the district  
9 issues bonds payable wholly or partly from ad valorem taxes, the  
10 board shall provide for the annual imposition of a continuing  
11 direct ad valorem tax, without limit as to rate or amount, while all  
12 or part of the bonds are outstanding as required and in the manner  
13 provided by Sections 54.601 and 54.602, Water Code.

14           Sec. 8305.203. BONDS FOR ROAD PROJECTS. At the time of  
15 issuance, the total principal amount of bonds or other obligations  
16 issued or incurred to finance road projects and payable from ad  
17 valorem taxes may not exceed one-fourth of the assessed value of the  
18 real property in the district.

19           SECTION 2. The Sienna Ranch Municipal Utility District No.  
20 1 of Collin County initially includes all the territory contained  
21 in the following area:

22           PARCEL 1

23           BEING a tract of land situated in the Denton Helmstettler  
24 Survey, Abstract No. 378, the Roger Willis Survey, Abstract No.  
25 748, and the Willis Roberts Survey, Abstract No. 790, Collin  
26 County, Texas, the subject tract being a portion of that 1473.835  
27 acre tract of land conveyed to Commercial Capital Investments, Inc.



1 by Resolution Trust Corporation according to the Special Warranty  
2 Deed recorded in Collin County Clerk File number 94-0058780 of the  
3 Land Records Of Collin County Texas (LRCCT), the subject tract  
4 further being portions of three subdivision Final Plats filed in  
5 said Land Records of Collin County Texas, those being Lake Hills,  
6 Phase 1 recorded in Cabinet J, Page 134, Park Meadows Phase 1  
7 recorded in Cabinet J, Page 137, and Sommerset Estates, Revised  
8 Phase 1 recorded in Cabinet J, Page 313, said three subdivisions  
9 being included within the above mentioned Commercial Capital  
10 Investments, Inc. 1473.835 acre tract, the subject total tract  
11 being more particularly described as follows;

12 BEGINNING at a point on the south line of Farm-To-Market Road  
13 Number 1778, said south line being the same south line of that 15  
14 feet wide strip of land dedicated by the above mentioned Park  
15 Meadows Phase 1 Final Plat (Cab. J, Pg. 137), said Beginning point  
16 further being the Northeast corner of Lot 4 of said Park Meadows  
17 Phase 1 Final Plat and northwest corner of a tract of land conveyed  
18 to Walt C. HSU according to the Warranty Deed recorded in Volume  
19 3201, Page 795 (LRCCT), a 1/2" iron pin with a red cap stamped  
20 Tipton Engineering, Inc. set at corner;

21 THENCE, along the easterly line of the previously mentioned  
22 Park Meadows Phase 1 addition line and along the westerly lines of  
23 the following tracts; three tracts of land of land conveyed to Walt  
24 C. HSU according to two Warranty Deeds recorded in Volume 3201, Page  
25 795 and Volume 3201, Page 797 (LRCCT), and a tract of land conveyed  
26 to Phillip Chen recorded in Volume 3584, Page 166 (LRCCT) the  
27 following:

1 S 00° 48' 47" E, a distance of 571.95 feet to a 60d nail found  
2 at corner;

3 S 00° 38' 46" E, a distance of 354.47 feet to a 60d nail found  
4 at corner;

5 S 00° 50' 29" E, a distance of 489.70 feet to an iron pin found  
6 at corner;

7 S 00° 46' 54" E, a distance of 299.68 feet to a 60d nail found  
8 at corner;

9 S 01° 19' 27" E, a distance of 524.53 feet to an iron pin found  
10 at an ell corner of said Commercial Capital Investments, Inc.  
11 tract, said corner further being the southwest corner of said  
12 Phillip Chen tract;

13 THENCE, along a north line of said Park Meadows Phase 1 and  
14 the south lines of said Phillip Chen tract, a tract conveyed to  
15 Charles Sitzes according to the deed recorded in Volume, 5746, Page  
16 4572, (LRCCT), a tract conveyed to John A. Whitson according to the  
17 deed recorded in County Clerk File number 93-0046157 (LRCCT), and a  
18 tract conveyed to Jesus Canales according to the deed recorded in  
19 Volume 4987, Page 1808 (LRCCT) the following;

20 South 89° 02' 27" E, a distance of 658.56 feet to an iron  
21 pin found at corner;

22 South 89° 07' 19" E, a distance of 2108.54 feet to another ell  
23 corner of said Commercial Capital Investments, Inc. tract and  
24 westerly line of Price Creek Estates, an addition to Collin County  
25 according to the Final Plat recorded in Cabinet I, Page 517 (LRCCT),  
26 a 1/2" iron pin next to a fence corner post found at corner;

27 THENCE, S 00° 04' 47" E, along the easterly line of said Park

1 Meadows Phase 1 and a westerly line of said Price Creek Estates, a  
2 distance of 156.97 feet to an ell corner for both said Final Plats,  
3 Price Creek Estates and Park Meadows Phase 1, said point also being  
4 on the northerly line of Dearborn Acres Phase 1, an addition to  
5 Collin County according to the Final Plat recorded in Cabinet J,  
6 Page 145 (LRCCT);

7       THENCE, with the center of Price Creek and along the common  
8 line between said additions, Dearborn Acres Phase 1 and Park  
9 Meadows Phase 1 the following;

10       S 83° 21' 39" W, a distance of 30.84 feet; S 71° 03' 54" W, a  
11 distance of 28.06 feet;

12       S 44° 28' 19" W, a distance of 52.54 feet; S 22° 28' 07" W, a  
13 distance of 69.53 feet;

14       S 60° 04' 07" W, a distance of 43.37 feet; N 86° 00' 18" W, a  
15 distance of 25.10 feet;

16       S 66° 13' 16" W, a distance of 140.26 feet; S 43° 31' 15" W, a  
17 distance of 49.79 feet;

18       S 65° 26' 13" W, a distance of 131.00 feet; S 36° 26' 54" W, a  
19 distance of 60.05 feet;

20       S 72° 04' 37" W, a distance of 111.47 feet; S 85° 25' 43" W, a  
21 distance of 212.81 feet;

22       S 85° 44' 44" W, a distance of 211.15 feet; S 69° 09' 30" W, a  
23 distance of 143.03 feet;

24       S 68° 17' 17" W, a distance of 67.74 feet; N 83° 10' 43" W, a  
25 distance of 61.36 feet;

26       S 58° 50' 34" W, a distance of 164.79 feet; S 52° 22' 44" W, a  
27 distance of 44.73 feet;

1 S 62° 21' 17" W, a distance of 49.51 feet; S 86° 31' 51" W, a  
2 distance of 41.24 feet;

3 S 63° 55' 53" W, a distance of 128.94 feet; S 60° 49' 53" W a  
4 distance of 131.62 feet;

5 S 56° 28' 41" W, a distance of 127.19 feet; S 63° 10' 56" W, a  
6 distance of 52.78 feet;

7 S 80° 45' 54" W, a distance of 50.46 feet; S 72° 01' 10" W, a  
8 distance of 126.88 feet to a point on the northerly line of the  
9 previously mentioned Lake Hills Phase 1 addition;

10 THENCE, along a creek and along the northerly and easterly  
11 line of said Lake Hills Phase 1 and the southwesterly and westerly  
12 line of said Dearborn Acres Phase 1 the following;

13 S 20° 07' 18" E, a distance of 35.15 feet; N 71° 06' 50" E, a  
14 distance of 42.23 feet;

15 S 40° 32' 52" E, a distance of 24.72 feet; S 78° 01' 18" E, a  
16 distance of 109.13 feet;

17 S 58° 24' 56" E, a distance of 71.87 feet; N 70° 21' 55" E, a  
18 distance of 51.93 feet;

19 S 58° 47' 28" E, a distance of 82.38 feet; S 87° 13' 03" E, a  
20 distance of 36.21 feet;

21 S 39° 30' 42" E, a distance of 38.80 feet; S 84° 53' 40" E, a  
22 distance of 32.75 feet;

23 S 50° 38' 42" E, a distance of 137.16 feet; S 81° 23' 41" E, a  
24 distance of feet 61.43 feet;

25 S 55° 18' 27" E., a distance of 59.33 feet: S 38° 02' 26" E, a  
26 distance of 77.63 feet;

27 S 53° 46' 10" E, a distance of 61.86 feet; S 29° 19' 27" E, a

1 distance of 63.87 feet;  
2 S 62° 43' 45" E, a distance of 15.41 feet; S 75° 09' 51" E, a  
3 distance of 75.61 feet;  
4 N 51° 34' 08" E, a distance of 46.71 feet; S 61° 49' 18" E, a  
5 distance of 29.41 feet;  
6 S 16° 04' 27" E, a distance of 27.49 feet, S 75° 25' 16" E, a  
7 distance of 92.21 feet;  
8 S 65° 45' 26" E, a distance of 135.63 feet; S 58° 05' 24" E, a  
9 distance of 108.92 feet;  
10 S 56° 13' 03" E, a distance of 86.50 feet; S 67° 13' 21" E, a  
11 distance of 87.18 feet;  
12 S 65° 25' 12" E, a distance of 34.56 feet; S 03° 53' 51" E, a  
13 distance of 95.72 feet;  
14 S 52° 16' 17" E, a distance of 69.15 feet; S 06° 27' 15" E, a  
15 distance of 67.59 feet;  
16 S 28° 12' 59" E, a distance of 94.16 feet; S 07° 03' 34" E, a  
17 distance of 105.29 feet to an iron pin found at corner.  
18 S 14° 12' 13" W, a distance of 566.46 feet to an iron pin found  
19 at corner;  
20 S 00° 36' 58" W, a distance of 435.57 feet to a point on the  
21 north line of Farm-To-Market Road No. 543, said point being the  
22 southeast corner of Lot 12 of said Lake Hills Phase 1 and the  
23 southwest corner of Lot 1 of Dearborn Acres Phase 1 to a 1/2" iron  
24 pin with a red cap stamped Tipton Engineering, Inc. set at corner;  
25 THENCE, along the said County Road No. 543 north line the  
26 following;  
27 N 89° 24' 42" W, a distance of 2415.58 feet to a 1/2" iron pin

1 with a red cap stamped Tipton Engineering, Inc. set at corner;

2         Around a tangent curve to the right having a central angle of  
3 08° 50' 44", a radius of 1849.86 feet and a chord of N 84° 59' 20" W -  
4 285.31 feet, an arc distance of 285.59 feet to a 1/2" iron pin with a  
5 red cap stamped Tipton Engineering, Inc. set at corner;

6         N 80° 33' 58" W, a distance of 278.01 feet to a point on an  
7 easterly line of a tract of land conveyed to the United States of  
8 America for Lake Lavon, said point further being on the westerly  
9 line of said Lake Hills Phase 1, and located at the southwest corner  
10 of Lot 1 of said Lake Hills Phase 1, a 1/2" iron pin with a red cap  
11 stamped Tipton Engineering, Inc. set at corner, from which a 5/8"  
12 iron pin found bears S 73° 23' 20" E, a distance of 0.82 feet;

13         THENCE, N 29° 00' 04" E, along the said Lake Hills Phase 1  
14 westerly line and easterly line of said United States of America  
15 property, a distance of 899.16 feet to an ell corner of said United  
16 States of America property and Lake Hills Phase 1 westerly line, a  
17 concrete Government marker found at corner;

18         THENCE, N 57° 11' 26" W, along a northerly line of said United  
19 States of America property and southerly line of Lot 14 of Lake  
20 Hills Phase 1 and southerly line of the previously mentioned Park  
21 Meadows Phase 1, a distance of 519.49 feet to a concrete Government  
22 marker found at corner;

23         THENCE, S 89° 16' 26" W, continuing along the northerly line  
24 of said USA property and along the said Park Meadows Phase 1  
25 southerly line and a southerly line of the previously mentioned  
26 Somerset Estates Revised Phase 1, a distance of 349.84 feet to an  
27 ell corner of said USA property and Somerset Estates Revised Phase

1 1, a concrete Government marker found at corner;

2       THENCE, along a westerly line of said United States of  
3 America property and easterly line of said Sommerset Estates  
4 Revised Phase 1 the following;

5       S 42° 57' 42" W, a distance of 779.67 feet to a concrete  
6 Government marker found at corner;

7       S 70° 13' 25" W, a distance of 429.81 feet to a concrete  
8 Government marker found at corner;

9       S 47° 45' 34" W, a distance of 423.23 feet to a point on the  
10 northerly line of said Farm-To-Market Road No. 543 as dedicated by  
11 the said Final Plat of Sommerset Estates Revised Phase 1, a 1/2"  
12 iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

13       THENCE, along said Farm-To-Market Road No. 543 northerly line  
14 the following;

15       N 87° 26' 57" W, a distance of 437.75 feet to a 1/2" iron pin  
16 with a red cap stamped Tipton Eng, Inc. set at corner;

17       N 86° 45' 05" W, a distance of 328.51 feet to a 1/2" iron pin  
18 found at corner;

19       N 89° 58' 53" W, a distance of 99.89 feet to the southwest  
20 corner of Lot 1 of said Sommerset Estates Revised Phase 1, said  
21 corner further being on the east line of Rocky Road, a 50 feet wide  
22 Right-Of-Way easement, a 1/2" iron pin with a red cap stamped Tipton  
23 Eng, Inc. set at corner;

24       THENCE, N 01° 02' 52" E, along the west line of said Sommerset  
25 Estates Revised Phase 1 and said Rocky Road east line, a distance of  
26 1107.07 feet to an ell corner of said Sommerset Estates Revised  
27 Phase 1, said corner further being the southwest corner of a tract

1 of land conveyed to Teri L. Beckmeyer by the General Warranty Deed  
2 recorded in 94-0033501 (LRCCT), a 5/8" iron pin found at corner;

3       THENCE, S 88° 17' 44" E, along the south line of said Teri L.  
4 Beckmeyer tract and north line of Lot 2 of said Sommerset Estates  
5 Revised Phase 1, a distance of 593.43 feet to an ell corner of said  
6 Sommerset Estates Revised Phase 1, a 1/2" iron pin with a red cap  
7 stamped Tipton Eng, Inc. set at corner;

8       THENCE, along a west line of said Sommerset Estates Revised  
9 Phase 1 and the east line of said Teri, L. Beckmeyer, and the east  
10 lines of the following tracts, a tract conveyed to Harry E. Shibler  
11 and Teri. L. Beckmeyer according to the Warranty Deed with Vendor's  
12 Lien recorded in County Clerk File Number 94-0056623 (LRCCT), two  
13 tracts conveyed to John Clentis Simpson, Sr. according to the  
14 Special Warranty Deed recorded in Volume 5936, Page 4879 (LRCCT),  
15 and that tract conveyed to Carol Chamberlain and Allen Chamberlain  
16 according to the Warranty Deed With Vendor's Lien recorded in  
17 Volume 4704, Page 1799 the following;

18               N 00° 47' 24" W, a distance of 296.21 feet to a 1/2" iron  
19 pin found at corner;

20               N 01° 08' 33" W, a distance of 240.54 feet to a 1/2" iron  
21 pin found at corner;

22               N 00° 36' 15" W, a distance of 195.04 feet to a 1/2" iron  
23 pin found at corner;

24               N 01° 29' 49" W, a distance of 193.39 feet to a 1/2" iron  
25 pin found at corner;

26               N 00° 42' 09" W, a distance of 467.62 feet to an ell corner of  
27 said Sommerset Estates Revised Phase 1, said corner being on a south



1 line of a tract of land conveyed to JoAnne Gambrell Airhart and Tom  
2 Patterson Airhart, according to the Warranty Deed With Vendor's  
3 Lien recorded in Volume 4510, Page 1852 (LRCCT), a 1/2" iron pin  
4 found at corner;

5       THENCE, S 89° 17' 05" E, along the south line of said JoAnne  
6 Gambrell Airhart and Tom Patterson Airhart tract part of the way,  
7 along the south line of a tract of land owned by Karen Webb Bennet  
8 Ind Exec according to the deed recorded in Volume 1769, Page 435  
9 (LRCCT) and along a north line of said Sommerset Estates Revised  
10 Phase 1, a distance of 1660.39 feet to an ell corner of said  
11 Sommerset Estates Revised Phase 1 and southeast corner of said  
12 Karen Webb Bennet Ind Exec tract, a 1/2" iron pin found 3.7 feet  
13 east of a fence corner post at corner;

14       THENCE, along the a west line of said Sommerset Estates  
15 Revised Phase 1 addition and along the east lines of said Karen Webb  
16 Bennet Ind Exec tract, that tract conveyed to Altis L. Powell Et Ux  
17 according to the deed recorded in Volume 377, Page 119 (LRCCT), the  
18 following;

19             N 01° 02' 36" E, a distance of 1376.06 feet to a 60d nail  
20 found at corner;

21             N 00° 50' 16" E, a distance of 547.97 feet to a 1/2" iron  
22 pin found at corner;

23             N 00° 48' 18" E, a distance of 340.88 feet to the southwest  
24 corner of Lot 1 of said Park Meadows Phase 1, a 1/2" iron pin with a  
25 red cap stamped Tipton Engineering, Inc. set at corner;

26       THENCE, S 89° 35' 45" E, along the south line of said Lot 1 of  
27 Park Meadows Phase 1, a distance of 80.60 feet to a 1/2" iron pin

1 with a red cap stamped Tipton Engineering, Inc. set at corner;

2       THENCE, N 86° 52' 56" E, continuing along the said Lot 1 of  
3 Park Meadows Phase 1 south line, a distance of 137.15 feet to the  
4 southeast corner of said Lot 1 of Park Meadows Phase 1, a 1/2" iron  
5 pin with a red cap stamped Tipton Engineering, Inc. set at corner;

6       THENCE, N 00° 04' 54" W, along the east line of said Lot 1 of  
7 Park Meadows Phase 1, a distance of 414.78 feet to a point on the  
8 previously mentioned south line of Farm-To-Market Road No. 1778, a  
9 1/2" iron pin with a red cap stamped Tipton Engineering, Inc. set at  
10 corner;

11       THENCE, N 86° 24' 17" E, along the said Farm-To-Market Road  
12 Number 1778 southerly line, a distance of 811.78 feet to the Place  
13 of Beginning with the subject tract containing 15,226,847 Square  
14 Feet or 349.5603 acres of land.

15       PARCEL 2

16       BEING a tract of land situated in the Silvester Williams  
17 Survey, Abstract No. 955 and Willis Roberts Survey, Abstract No.  
18 790, Collin County, Texas, the subject tract being a portion of that  
19 1473.835 acre tract of land conveyed to Commercial Capital  
20 Investments, Inc. by Resolution Trust Corporation according to the  
21 Special Warranty Deed recorded in Collin County Clerk File number  
22 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the  
23 subject tract being more particularly described as follows;

24       BEGINNING at a point on the southerly line of County Road No.  
25 543 and at the southwest corner of that tract of land conveyed to  
26 Collin County (for road purposes) according to the Deed recorded in  
27 County Clerk File Number 99-0040895 (LRCCT), said beginning point

1 being on the west line of said Commercial Capital Investments, Inc.  
2 1473.835 acre tract and further being S 01° 04' 17" W, a distance of  
3 61.64 feet from the intersection of the north line of County Road  
4 No. 543 and the east line of Rocky Road as shown on the Final Plat of  
5 Sommerset Estates, an addition to Collin County according to said  
6 Final Plat recorded in Cabinet J, Page 313 (LRCCT), a 1/2" iron pin  
7 found at corner;

8       THENCE, along the said County Road No. 543 southerly line the  
9 following;

10       S 88° 52' 45" E, a distance of 169.88 feet to a 1/2" iron pin  
11 found at corner;

12       S 84° 33' 39" E, a distance of 606.25 feet to a point on an  
13 easterly line of said Commercial Capital Investments, Inc. 1473.835  
14 acre tract and northwesterly line of a tract of land conveyed to the  
15 United States Of America, a 1/2" iron pin found at corner;

16       THENCE, S 47° 45' 34" W, along the said Commercial Capital  
17 Investments, Inc. 1473.835 acre tract southeasterly line and United  
18 States of America tract northwesterly line, a distance of 1750.27  
19 feet to a US Government marker in concrete found at corner;

20       THENCE, along a southerly and westerly line of said  
21 Commercial Capital Investments, Inc. 1473.835 acres tract and a  
22 northerly and easterly line of said United States of America tract  
23 the following;

24       N 46° 24' 25" W, a distance of 265.29 feet to a US Government  
25 marker in concrete found at corner;

26       N 12° 08' 44" E, a distance of 594.70 feet to a US Government  
27 marker in concrete found at corner;

1           THENCE, S 84° 49' 00" E, along a northerly line of said  
2 Commercial Capital Investments, Inc. 1473.835 acres tract and part  
3 of the way along a southerly line of a United States of America  
4 tract and south line of a tract of land conveyed to J. B. Justice  
5 according to the deed recorded in Volume 645, Page 055 (LRCCT), a  
6 distance of 581.99 feet to the southeast corner of said J. B.  
7 Justice tract and an ell corner of said Commercial Capital  
8 Investments, Inc. 1473.835 acres tract, a US Government marker in  
9 concrete found at corner;

10           THENCE, N 01° 04' 08" E, along a west line of said Commercial  
11 Capital Investments, Inc. 1473.835 acres tract and east line of  
12 said J. B. Justice tract, a distance of 525.75 feet to the Place of  
13 Beginning with the subject tract containing 654,044 Square Feet or  
14 15.0148 Acres of Land.

15           PARCEL 3

16           BEING a tract of land situated in the Roger Willis Survey,  
17 Abstract No. 748, and the Silvester Williams Survey, Abstract No.  
18 955 Collin County, Texas, the subject tract being a portion of that  
19 1473.835 acre tract of land conveyed to Commercial Capital  
20 Investments, Inc. by Resolution Trust Corporation according to the  
21 Special Warranty Deed recorded in Collin County Clerk File number  
22 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the  
23 subject tract further being a portion of Shalimar Acres, an  
24 addition to Collin County Texas according to the Final Plat  
25 recorded in Cabinet J, Page 136, (LRCCT), land in said plat being  
26 included in the above mentioned Commercial Capital Investments,  
27 Inc. 1473.835 acre tract, the subject tract being more particularly

1 described as follows;

2 BEGINNING at the intersection of the southerly line of County  
3 Road No. 543 and the west line of County Road No. 544, said point  
4 further being located at the northeast corner of Lot 1 of said  
5 Shalimar Acres, a 1/2" iron pin with a red cap stamped Tipton Eng,  
6 Inc. set at corner;

7 THENCE, S 00° 07' 23" W, along the said County Road No. 544  
8 west line, a distance of 2065.10 feet to the southeast corner of Lot  
9 16, of Shalimar Acres, said corner being located on the north line  
10 of a tract of land conveyed to the United States Of America, a 1/2"  
11 iron pin with a red cap stamped Tipton Eng, Inc. set at corner, from  
12 which a US Government marker in concrete found bears N 73° 18' 15" E,  
13 a distance of 9.85 feet;

14 THENCE, along the southerly and westerly line of said  
15 Shalimar Acres and a northerly and easterly line of said United  
16 States of America tract the following;

17 S 73° 18'15" W, a distance of 493.72 feet to a US Government  
18 marker in concrete found at corner;

19 N 67° 31' 55" W, a distance of 619.64 feet to a US Government  
20 marker in concrete found at corner;

21 S 89° 05' 23" W, a distance of 570.02 feet to a US Government  
22 marker in concrete found at corner;

23 N 36° 58' 31" E, a distance of 919.31 feet to a US Government  
24 marker in concrete found at corner;

25 N 26° 55' 54" E, a distance of 499.80 feet to a US Government  
26 marker in concrete found at corner;

27 N 64° 31' 34" E, a distance of 464.89 feet to a US Government

1 marker in concrete found at corner;

2 N 29° 01' 25" E, a distance of 699.51 feet to a point on the  
3 previously mentioned County Road No. 543 south line, said point  
4 further being the northwest corner of the previously mentioned Lot  
5 1 of Shalimar Acres, a US Government marker in concrete found at  
6 corner;

7 THENCE, S 81° 18' 52" E, along said County Road No. 543 south  
8 line, a distance of 82.46 feet to the Place Of Beginning with the  
9 subject tract containing 1,820,913 Square Feet or 41.8024 acres of  
10 land.

11 PARCEL 4

12 BEING a tract of land situated in the Roger Willis Survey,  
13 Abstract No. 748, Collin County, Texas, the subject tract being a  
14 portion of that 1473.835 acre tract of land conveyed to Commercial  
15 Capital Investments, Inc. by Resolution Trust Corporation  
16 according to the Special Warranty Deed recorded in Collin County  
17 Clerk File number 94-0058780 of the Land Records Of Collin County  
18 Texas (LRCCT), the subject tract further being a portion of  
19 Shalimar Acres, an addition to Collin County Texas according to the  
20 Final Plat recorded in Cabinet J, Page 136, (LRCCT), land in said  
21 plat being included in the above mentioned Commercial Capital  
22 Investments, Inc. 1473.835 acre tract, the subject tract being more  
23 particularly described as follows;

24 BEGINNING at the intersection of the southerly line of County  
25 Road No. 543 and the east line of County Road No. 544 as dedicated by  
26 said Shalimar Acres Final Plat, said Beginning Point further being  
27 located at the northwest corner of Lot 2 of said Shalimar Acres, a

1 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

2       THENCE, S 80° 33' 58" E, along the southerly line of said  
3 County Road No. 543 a distance of 177.59 feet to a 1/2" iron pin with  
4 a red cap stamped Tipton Eng, Inc. set at corner;

5       THENCE, continuing along said County Road No, 543 southerly  
6 and around a tangent curve to the left having a central angle of 08°  
7 34' 08", a radius of 1969.86 feet, and a chord of S 84° 51' 02" E with  
8 a distance of 294.33 feet, an arc distance of 294.60 feet to the  
9 northeast corner of Lot 4 of said Shalimar Acres and the southwest  
10 corner of a tract of land conveyed to Collin County for right-of-way  
11 according to the Deed recorded in County Clerk File No.  
12 2000-0070885 (LRCCT), a 1/2" iron pin found at corner;

13       THENCE, S 00° 36' 54" E, along the east line of said Shalimar  
14 Acres and a west line of a tract of land conveyed to John Lindsley  
15 McCraw, Jr. and Marjorie Elizabeth Gantt according to the Warranty  
16 Deed recorded in Volume 627, page 69 (LRCCT), a distance of 313.35  
17 feet to an ell corner of said Shalimar Acres and John Lindsley  
18 McCraw, Jr. and Marjorie Elizabeth Gantt tract, a US Government  
19 marker in concrete found at corner);

20       THENCE, S 88° 28' 08" W, along a south line of said Shalimar  
21 Acres and a north line of said John Lindsley McCraw, Jr. and  
22 Marjorie Elizabeth Gantt tract, a distance of 472.68 feet to a point  
23 on the previously mentioned County Road No, 544, said point further  
24 being the southwest corner of Lot 2 of said Shalimar Acres, a 1/2"  
25 iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

26       THENCE, N 00° 07' 23" E, along said County Road No, 544 east  
27 line, a distance of 381.49 feet to the Place Of Beginning with the

1 subject tract containing 160,368 Square Feet or 3.6815 Acres of  
2 land.

3 PARCEL 5

4 BEING a tract of land situated in the Roger Willis Survey,  
5 Abstract No. 748, and the Silvester Williams Survey, Abstract No.  
6 955 Collin County, Texas, the subject tract being a portion of that  
7 1473.835 acre tract of land conveyed to Commercial Capital  
8 Investments, Inc. by Resolution Trust Corporation according to the  
9 Special Warranty Deed recorded in Collin County Clerk File number  
10 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the  
11 subject tract being more particularly described as follows;

12 COMMENCING at the intersection of the southerly line of  
13 County Road No. 543 and the west line of County Road No. 544 as  
14 dedicated by said Shalimar Acres Final Plat, said point further  
15 being located at the northeast corner of Lot 1 of said Shalimar  
16 Acres, a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at  
17 corner;

18 THENCE, N 81° 19' 37" W, along the said County Road No. 543  
19 south line, a distance of 82.52 feet to the Place Of Beginning of  
20 the here-in described tract of land and northwest corner of said Lot  
21 1 of Shalimar Acres, said corner further being located at an ell  
22 corner of a tract of land conveyed to the United States Of America,  
23 a US Government marker in concrete found at corner;

24 THENCE, leaving the addition line of said Shalimar Acres and  
25 along a common line between that Commercial Capital Investments,  
26 Inc. 1473.835 acres tract and the previously mentioned United  
27 States of America tract the following;



H.B. No. 4702

1           N 89° 15' 55" W, a distance of 473.20 feet to a 1/2" iron  
2 pin found at corner;

3           N 00° 45' 29" E, a distance of 92.19 feet to a 1/2" iron pin  
4 found at corner;

5           THENCE, continuing along the previously mentioned common  
6 property lines and along the approximate centerline of said County  
7 Road No. 543 the following;

8           N 88° 56' 29" E, a distance of 107.30 feet to a 1/2" iron pin  
9 found at corner;

10          S 84° 41' 46" E, a distance of 286.48 feet;

11          S 81° 15' 53" E, a distance of 112.04 feet;

12          THENCE, S 33° 09' 52" E, leaving said County Road No. 543 north  
13 line and along a portion of that County Road No. 543 right-of-way  
14 dedication by said Shalimar Acres, a distance of 69.05 feet;

15          THENCE, N 89° 06' 54" W, continuing along said County Road No.  
16 543 right-of-way dedication by said Shalimar Acres, a distance of  
17 69.12 feet to the Place Of Beginning with the subject tract  
18 containing 42,403 Square Feet or 0.9734 acres of land.

19          PARCEL 6

20          BEING a tract of land situated in the Thomas Toby Survey,  
21 Abstract No. 925 in the Sylvester William Survey, Abstract No. 955,  
22 Collin County, Texas being all of a called 16.105 acre tract of land  
23 conveyed by Angela Olivo Ramos to WYA Lake Lavon Ltd., a Texas  
24 limited partnership, according to the General Warranty Deed with  
25 Vendor's Lien recorded in County Clerk's File Number  
26 20071126001578660 of the Land Records of Collin County, Texas  
27 (LRCCT), the subject tract being more particularly described as

1 follows;

2 BEGINNING at a 1/2" iron pin found with a red cap in the  
3 easterly right-of-way of State Highway No. 78 same being the  
4 southwest corner of the subject tract and the northwest corner of a  
5 tract of land conveyed to W.B. Montgomery;

6 THENCE, N 15° 54' 36" W, along the easterly line of said State  
7 Highway No. 78, a distance of 453.48 feet to a 1/2" iron pin with a  
8 red cap stamped Tipton Eng. Inc. set at corner, from which a wood  
9 right-of-way monument bears S 16° 24' 09" E, a distance of 63.19  
10 feet;

11 THENCE, continuing along the easterly line of said State  
12 Highway No. 78 and around a curve to the right having a central  
13 angle of 04° 27' 04", a radius of 1382.93 feet, a chord of N 13° 41'  
14 04" W - 107.37 feet, an arc distance of 107.39 feet to a 1/2" iron  
15 pin with a red cap stamped Tipton Eng. Inc. set at corner;

16 THENCE, N 89° 45' 00" E, along the south line of a tract of  
17 land conveyed to Angela Olivo Ramos, according to the Warranty Deed  
18 recorded in County Clerk File Number 20060208000171830 (LRCCT), a  
19 distance of 1364.23 feet to the northeast corner of the subject  
20 tract and a point in the west line of a called 23.764 acres tract of  
21 land conveyed by Billy G. Roan and wife, Merle Ann Roan to WYA Lake  
22 Lavon Ltd., a Texas limited partnership according to the Special  
23 Warranty Deed with Vendor's Lien recorded in County Clerk File  
24 Number 20080111000045480 (LRCCT), a 1/2" iron pin with a red cap  
25 stamped Tipton Eng. Inc set at corner from which a 5/8" iron pin  
26 found with a red cap stamped "Clark" bears N 00° 09' 30" W, a  
27 distance of 515.87 feet;

1           THENCE, S 00° 15' 00" E, along the east line of said 16.105  
2 acres WYA Lake Lavon Ltd., tract and west line of said WYA Lake  
3 Lavon Ltd. 23.764 acres tract, a distance of 547.75 feet to a 1/2"  
4 iron pin found at corner;

5           THENCE, N 89° 05' 05" W, along the south line of said WYA Lake  
6 Lavon Ltd. 16.105 acres tract and the north line of said WYA Lake  
7 Lavon Ltd. 23.764 acres tract, a distance of 205.28 feet to a common  
8 northerly corner of said WYA Lake Lavon Ltd. 23.764 acres tract and  
9 an 18.8098 acres tract of land conveyed by JDI Investors, LP to WYA  
10 Lake Lavon Ltd., a Texas limited partnership according to according  
11 to the Special Warranty Deed with Vendor's Lien recorded in CC#  
12 20080702000812420 (LRCCT), a 1/2" iron pin found with a red cap  
13 stamped "Clark" found 1 foot NW of a fence corner post at corner;

14           THENCE, S 89° 53' 31" W, along the north line of said WYA Lake  
15 Lavon Ltd 18.8098 acres tract of land and the south line of the  
16 subject WYA Lake Lavon Ltd. 16.105 acres tract of land, passing a  
17 1/2" iron pin found at the northeast corner of said Montgomery Tract  
18 at a distance of 592.68 feet and continuing along the north line of  
19 said Montgomery Tract for a total distance of 1011.65 feet to the  
20 PLACE OF BEGINNING with the subject tract containing 701,534 square  
21 feet or 16.105 acres of land.

22           PARCEL 7

23           BEING a tract of land situated in the Sylvester William  
24 Survey, Abstract No. 955, Collin County, Texas and being all of a  
25 called 23.764 acres tract of land conveyed by Billy G. Roan and  
26 wife, Merle Ann Roan to WYA Lake Lavon Ltd., a Texas limited  
27 partnership according to the Special Warranty Deed with Vendor's

1 Lien recorded in County Clerk File Number 20080111000045480  
2 (LRCCT), the subject tract being more particularly described as  
3 follows;

4 BEGINNING at a 5/8" iron pin with a red cap stamped " Clark"  
5 found for corner at the intersection of the South right-of-way of  
6 County Road 543, the west boundary line of said 23.764 acres tract  
7 and the east boundary line of a 1.001 acre tract owned by Dario M.  
8 Castillo according to the warranty deed recorded in Volume 5734,  
9 Page 2748 (LRCCT), said beginning point further being located at  
10 the southwest corner of a 0.4622 acre tract described in conveyance  
11 from Bill G. Roan to County of Collin, dated May 24, 2000 and  
12 recorded in Volume 4677, Page 1545 (LRCCT), said beginning point  
13 further being 1303.91 feet easterly, along said County Road 543  
14 south line, from the point of intersection of the south line of  
15 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width  
16 ROW and the east line of State Highway Number 78;

17 THENCE with the south right-of-way of County Road 543 and the  
18 south boundary line of said 0.4622 acre tract the following;

19 S 89° 25' 22" E, a distance of 30.49 feet to a 1/2" iron rod  
20 found for corner;

21 N 89° 06' 30" E, a distance of 430.67 feet to the northeast  
22 corner of the said subject 23.764 acres tract, said point further  
23 being located on the west line of a 15.23 acres tract conveyed by  
24 Emma Nowlin, et al to the United States of America dated September  
25 21, 1972, recorded in Volume 837, Page 367 (LRCCT), a 1/2" iron rod  
26 found at corner;

27 THENCE, S 30° 07' 59" E, a distance of 531.40 feet to a

1 concrete corporation monument found for corner and 1.2 feet north  
2 of a fence corner, said corner being an interior corner of the  
3 United States of America 15.23 acres tract;

4       THENCE, along the east line of said WYA Lake Lavon Ltd. 23.764  
5 acres tract and the west line of said United States of America tract  
6 the following;

7       S 57° 08' 27" W, a distance of 564.72 feet to a concrete  
8 corporation monument found near a fence corner at corner,

9       S 30° 05' 11" E, a distance of 310.04 feet to a concrete  
10 corporation monument found at corner;

11       S 06° 02' 06" W, passing a concrete corporation monument found  
12 at a distance of 499.80 feet and continuing to make a total distance  
13 of 899.52 feet to the most southerly southeast corner of said WYA  
14 Lake Lavon Ltd. 23.764 acres tract, a concrete corporation monument  
15 found at corner;

16       THENCE, S 77° 58' 17" W, along the south line of said WYA Lake  
17 Lavon Ltd. 23.764 acres tract and the north line of said United  
18 States of America 15.23 acres tract, a distance of 530.53 feet to  
19 the southwest corner of the subject WYA Lake Lavon Ltd. 23.764 acres  
20 tract and the southeast corner of that 18.8098 acres tract of land  
21 conveyed by JDI Investors, LP to WYA Lake Lavon Ltd., a Texas  
22 limited partnership according to according to the Special Warranty  
23 Deed with Vendor's Lien recorded in CC# 20080702000812420 (LRCCT),  
24 a 1/2" iron pin with a red cap stamped "Wisdom" found at corner,  
25 from which a fence corner post bears S 04° 44' 01" E, a distance of  
26 5.32 feet and a metal pole of a power line bears S 59° 34' 51" E, a  
27 distance of 70.91 feet;

1           THENCE N 00° 12' 05" E, along the east line of said WYA Lake  
2 Lavon Ltd. 18.8098 acres tract and the west line of said WYA Lake  
3 Lavon Ltd. 23.764 acres tract and generally along or near a barbed  
4 wire fence, a distance of 972.68 to a point on the south line of a  
5 16.105 acre tract of land conveyed by Angela Olivo Ramos to WYA Lake  
6 Lavon Ltd., a Texas limited partnership, according to the General  
7 Warranty Deed with Vendor's Lien recorded in County Clerk's File  
8 Number 20071126001578660 of the Land Records of Collin County,  
9 Texas (LRCCT), a 1/2" iron pin with a red cap stamped "Clark" found  
10 1 foot NW of a fence corner post at corner;

11           THENCE, S 89° 05' 05" E, along the north line of the subject  
12 WYA Lake Lavon Ltd. 23.764 acres tract and the south line of said  
13 WYA Lake Lavon Ltd. 16.105 acres tract, a distance of 205.28 feet to  
14 a 1/2" iron pin found at corner;

15           THENCE, N 00° 15' 00" W, along the subject WYA Lake Lavon Ltd.  
16 23.764 acres tract west line and east lines of the said WYA Lake  
17 Lavon Ltd. 16.105 acres tract and that 16.1066 acres tract of land  
18 owned by Angela Olivo Ramos, according to the warranty deed  
19 recorded in County Clerk's File Number 20060208000171830 (LRCCT), a  
20 distance of 970.04 feet to a 1/2" iron pin with a cap stamped  
21 Stovall & Associates found at corner;

22           THENCE, N 00° 03' 27" E, along the east line of said Dario M.  
23 Castillo 1.001 acre tract and the west line of the subject WYA Lake  
24 Lavon Ltd. 23.764 acres tract, a distance of 93.64 feet to the Place  
25 of Beginning with the subject tract containing 1,035,320 Square  
26 Feet or 23.7677 acres of land.

27           PARCEL 8

1 BEING a tract of land situated in the Thomas Toby Survey,  
2 Abstract No. 925 and the Sylvester William Survey, Abstract No.  
3 955, Collin County, Texas, the subject tract being all of that  
4 18.8098 acres tract of land conveyed by JDI Investors, LP to WYA  
5 Lake Lavon Ltd., a Texas limited partnership according to according  
6 to the Special Warranty Deed with Vendor's Lien recorded in CC#  
7 20080702000812420 of the Land Records of Collin County, Texas  
8 (LRCCT), the subject tract being more particularly described as  
9 follows;

10 COMMENCING at the point intersection of the south line of  
11 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width  
12 ROW at this point and the east line of State Highway Number 78, said  
13 point being the most northerly northwest corner of a tract of land  
14 conveyed to Alfred Olivo according to the warranty deed recorded in  
15 County Clerk's File Number 20060208000171820 (LRCCT), a 1/2" iron  
16 pin with a red cap stamped "Boundary Solutions" found at corner,  
17 from which a 1/2" iron pin found bears N 31° 40' 42" W, a distance of  
18 176.28 feet;

19 THENCE, along the said State Highway Number 78 easterly line  
20 the following;

21 S 45° 09' 02" W, a distance of 131.71 feet;

22 S 00° 36' 13" E, a distance of 184.23 feet;

23 Around a non-tangent curve to the left having a central angle  
24 of 15° 42' 46", a radius of 1382.39 feet and a chord of S 08° 03' 17" E  
25 - 377.92 feet, an arc distance of 379.10 feet;

26 S 15° 54' 36" E, a distance of 453.48 feet to the southwest  
27 corner of a 16.105 acres tract of land conveyed to WYA Lake Lavon

1 Ltd., according to the according to the General Warranty Deed With  
2 Vendor's Lien recorded in CC# 20071126001578660 (LRCCT);

3       THENCE, N, 89° 53' 31" E, along the south line of said WYA Lake  
4 Lavon Ltd., 16.105 acres tract, a distance of 418.96 feet to the  
5 PLACE OF BEGINNING of the herein described tract, said Beginning  
6 Point being the most northerly northwest corner of the subject WYA  
7 Lake Lavon Ltd., 18.8098 acres tract and the northeast corner of a  
8 tract of land conveyed to Willie B. Montgomery according to the deed  
9 recorded in Volume 463, Page 496 (LRCCT), a 1/2" iron pin with a red  
10 cap stamped "Wisdom" found at corner;

11       THENCE, N 89° 53' 31" E, along the south line of said WYA Lake  
12 Lavon Ltd., 16.105 acres tract and the north line of said WYA Lake  
13 Lavon Ltd., 18.8098 acres tract, a distance of 592.69 feet to the  
14 northeast corner of said WYA Lake Lavon Ltd., 18.8098 acres tract,  
15 said corner also being located at an angle point of a 23.764 acre  
16 tract of land conveyed to WYA Lake Lavon Ltd., a Texas limited  
17 partnership, according to the Warranty Deed With Vendor's Lien  
18 recorded in CC# 20080111000045480 (LRCCT), a 1/2" iron pin with a  
19 red cap stamped "Clark" found 1 foot NW of a fence corner post at  
20 corner;

21       THENCE, S 00° 11' 58" W, along the east line of said WYA Lake  
22 Lavon Ltd., 18.8098 acres tract and west line of said WYA Lake Lavon  
23 Ltd., 23.764 acres tract, and generally along or near a barbed wire  
24 fence, a distance of 972.52 feet to the southeast corner of said WYA  
25 Lake Lavon Ltd., 18.8098 acres tract, a 1/2" iron pin with a red cap  
26 stamped "Wisdom" found at corner, from which a fence corner post  
27 bears S 04° 44" 01" E, a distance of 5.32 feet and a metal pole of a



1 power line bears S 59° 34' 51" E, a distance of 70.91 feet;

2       THENCE, S 89° 52' 50" W, along the south line of said WYA Lake  
3 Lavon Ltd., 18.8098 acres tract and the north line of a tract of  
4 land conveyed to the United States Of America according to the  
5 Condemnation document recorded in Volume 714, page 825 (LRCCT), and  
6 proceeding approximately 5.3 feet to 6 feet northerly of a barbed  
7 wire fence, a distance of 811.92 feet to a concrete Government  
8 marker stamped 1918-1-1 found at corner, from which a fence corner  
9 post bears S 02° 51' 19" E, a distance of 6.1 feet;

10       THENCE, N 04° 36' 49" W, along the westerly line of said WYA  
11 Lake Lavon Ltd., 18.8098 acres tract and an easterly line of a tract  
12 of land conveyed to the United States Of America and identified as  
13 Tract 1918-1 according to the Condemnation document recorded in  
14 Volume 755, Page 612 (LRCCT), a distance of 460.09 feet to a  
15 concrete Government marker stamped 1918-1-2 found at corner,

16       THENCE, S 88° 38' 36" W, along a south line of said WYA Lake  
17 Lavon Ltd., 18.8098 acres tract and the north line of said United  
18 States Of America north line (755, Page 612), a distance of 49.97  
19 feet to a concrete Government marker stamped 1918-1-3 found at  
20 corner,

21       THENCE, along said State Highway No. 78 easterly line and the  
22 westerly line of said WYA Lake Lavon Ltd., 18.8098 acres tract the  
23 following;

24       Around a non-tangent curve to the left having a central angle  
25 of 13° 07' 52", a radius of 1373.25 feet and a chord of N 09° 20' 40" W  
26 - 314.03 feet, an arc distance of 314.72 feet to a 1/2" iron pin with  
27 a red cap stamped Tipton Engineering, Inc. set at corner;

H.B. No. 4702

1 N 15° 54' 36" W, a distance of 89.62 feet to a 1/2" iron pin  
2 with a red cap stamped Tipton Engineering, Inc. set at corner, from  
3 which a Highway Department wood monument found bears N 24° 06' E, a  
4 distance of 0.28 foot and a 1/2" iron pin with a red cap stamped  
5 "Wisdom" found bears S 15° 54' 36" E, a distance of 10.13 feet;

6 THENCE, N 89° 53' 31" E, along the south line of the previously  
7 mentioned Willie B. Montgomery tract and a north line of said WYA  
8 Lake Lavon Ltd., 18.8098 acres tract, a distance of 383.16 feet to a  
9 1/2" iron pin with a red cap stamped Tipton Engineering, Inc. set at  
10 corner, from which a 60d nail found in top of 3 feet tall power pole  
11 bears S 07' 17' 23" E, a distance of 9.94 feet;

12 THENCE, N 00° 57' 15" E. along a west line of said WYA Lake  
13 Lavon Ltd., 18.8098 acres tract and the east line of said Willie B.  
14 Montgomery tract, a distance of 118.97 feet to the Place Of  
15 Beginning with the subject tract containing 819,355 Square Feet or  
16 18.8098 Acres of Land.

17 PARCEL 9

18 BEING a tract of land situated in the Thomas Toby Survey,  
19 Abstract No. 925 and the Sylvester William Survey, Abstract No.  
20 955, Collin County, Texas, the subject tract being all of that tract  
21 of land conveyed to Alfred Olivo, according to the warranty deed  
22 recorded in County Clerk's File Number 20060208000171830 of the  
23 Land Records of Collin County, Texas (LRCCT), the subject tract  
24 being more particularly described as follows;

25 BEGINNING at the point intersection of the south line of  
26 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width  
27 ROW and the east line of State Highway Number 78, said point being

1 the northwest corner of said Alfred Olivo subject tract, a 1/2" iron  
2 pin with a red cap stamped "Boundary Solutions" found at corner,  
3 from which a 1/2" iron pin found bears N 31° 40' 42" W, a distance of  
4 176.28 feet;

5       THENCE, along the said County Road No. 543 south line the  
6 following;

7       S 89° 21' 07" E (deed = S 89° 24' 48" E ), a distance of 225.74  
8 feet to a 5/8" iron pin with a red cap found at corner;

9       S 88° 24' 19" E (deed = S 88° 23' 30" E ), a distance of 742.45  
10 feet to the most northerly northeast corner of said Alfred Olivo  
11 tract and northwest corner of a tract of land owned by Dario M.  
12 Castillo according to the warranty deed recorded in Volume 5734,  
13 Page 2748 (LRCCT), a 1/2" iron pin with a red cap stamped Tipton  
14 Eng., Inc. set at corner, from which a 5/8" iron pin with a red cap  
15 stamped " Clark" found bears N 71° 03' 30" W, a distance of 284.97  
16 feet;

17       THENCE, S 00° 47' 36" W, along an east line of said Alfred  
18 Olivo tract and west line of said Dario M. Castillo tract, a  
19 distance of 91.56 feet to a 1/2" iron pin with a cap stamped Stovall  
20 & Associates found at corner;

21       THENCE, S 89° 18' 46" E ( deed = S 89° 19' 33" E ), along a north  
22 line of said Alfred Olivo tract and south line of said Dario M.  
23 Castillo tract, a distance of 331.89 feet to the most easterly  
24 northeast corner of said Alfred Olivo tract, said corner further  
25 being located at a point on the west line of a tract of land conveyed  
26 by Billy G. Roan and wife, Merle Ann Roan to WYA Lake Lavon Ltd., a  
27 Texas limited partnership according to the Special Warranty Deed

1 with Vendor's Lien recorded in County Clerk File Number  
2 20080111000045480 (LRCCT), a 1/2" iron pin with a cap stamped  
3 Stovall & Associates found at corner;

4       THENCE, S 00° 15' 00" E, along the east line of said Alfred  
5 Olivo tract and said WYA Lake Lavon Ltd., 23.764 acres tract west  
6 line, a distance of 422.28 feet to the southeast corner of said  
7 Alfred Olivo tract, a 1/2" iron pin with a red cap stamped Tipton  
8 Eng. Inc. found at corner;

9       THENCE, S 89° 45' 00" W, along the south line of said Alfred  
10 Olivo tract and the north line of a tract of land conveyed by Angela  
11 Olivo Ramos to WYA Lake Lavon Ltd., a Texas limited partnership,  
12 according to the General Warranty Deed with Vendor's Lien recorded  
13 in County Clerk's File Number 20071126001578660 (LRCCT), a distance  
14 of 1364.23 feet to the southwest corner of said Alfred Olivo tract  
15 and a point on the east line of said State Highway No. 78, a 1/2"  
16 iron pin with a red cap stamped Tipton Eng. Inc. found at corner,  
17 from which a 5/8" iron pin with a yellow cap stamped RPLS 3949 bears  
18 S 39° 23' 34" W, a distance of 161.44 feet;

19       THENCE, along the west line of said Alfred Olivo tract and the  
20 east line of said State Highway No. 78 the following,

21       Around a non-tangent curve to the right having a central  
22 angle of 11° 15' 42", a radius of 1382.39 feet and a chord of N 05° 49'  
23 42" W - 271.28 feet, an arc distance of 271.72 feet to a 1/2" iron  
24 pin with a red cap stamped "Boundary Solutions" found at corner;

25       N 00° 36' 13" W ( deed = N 00° 11' 36" W - 184.40 feet ), a  
26 distance of 184.23 feet to a wood monument found at corner, from  
27 which the corner of an old house bears N 89° 36' 11" E - 61.68 feet

1 and another wood monument across State Highway No, 78 bears N 78° 09'  
2 24" W, a distance of 224.39 feet;

3 N 45° 09' 02" E (deed = N 44° 48' 24" E - 130.44 feet), a  
4 distance of 131.71 feet to the PLACE OF BEGINNING with the subject  
5 tract containing 701,603 square feet or 16.1066 acres of land.

6 PARCEL 10

7 BEING a tract of land situated in the Roger Willis Survey,  
8 Abstract No. 748, Collin County, Texas, the subject tract being a  
9 portion of that 1473.835 acre tract of land conveyed to Commercial  
10 Capital Investments, Inc. by Resolution Trust Corporation  
11 according to the Special Warranty Deed recorded in Collin County  
12 Clerk File number 94-0058780 of the Land Records Of Collin County  
13 Texas (LRCCT), the subject tract further being a portion of Wenners  
14 Park, an addition to Collin County Texas according to the Final Plat  
15 recorded in Cabinet J, Page 136, (LRCCT), which is included in the  
16 above mentioned Commercial Capital Investments, Inc. 1473.835 acre  
17 tract, the subject tract being more particularly described as  
18 follows;

19 BEGINNING at a point on the south line of County Road No. 543  
20 (a 120' ROW), said point being located at the Northwest corner of  
21 Lot 1 of said Wenners Park and the southeast corner of that tract of  
22 land conveyed to the County Of Collin for road purposes according to  
23 the Deed recorded in County Clerk File No. 2000-0070885 (LRCCT),  
24 said Beginning Point further being at the northeast corner of a  
25 tract of land owned by John Lindsley McCraw and Marjorie Elizabeth  
26 McCraw according to the Warranty deed recorded in Volume 627, Page  
27 69 (LRCCT), a 1/2" iron pin with a red cap stamped Tipton Eng, Inc.

1 set at corner;

2           THENCE, along the said County Road No. 543 southerly line the  
3 following;

4           S 89° 24' 06" E, a distance of 890.66 feet to a 1/2" iron pin  
5 with a red cap stamped Tipton Eng, Inc. set at corner;

6           Around a tangent curve to the left having a central angle of  
7 14° 46' 02", a radius of 1249.86 feet, and a chord of N 83° 12' 53"  
8 E-321.24 feet, an arc distance of 322.13 feet to a 1/2" iron pin  
9 with a red cap stamped Tipton Eng, Inc. set at corner;

10           N 75° 49' 52" E, a distance of 216.93 feet to a 1/2" iron pin  
11 with a red cap stamped Tipton Eng, Inc. set at corner;

12           Around a tangent curve to the right having a central angle of  
13 14° 22' 13", a radius of 1129.86 feet, and a chord of N 83° 00' 59"  
14 E-282.64 feet, an arc distance of 283.38 feet to a 1/2" iron pin  
15 with a red cap stamped Tipton Eng, Inc. set at corner;

16           S 89° 47' 55" E, a distance of 817.15 feet to the northeast  
17 corner of Lot 12 of said Wenners Park and the southwest corner of a  
18 tract of land conveyed to the County Of Collin for road purposes  
19 according to the Deed recorded in County Clerk File No. 99-0115447  
20 (LRCCT), a 1/2" iron pin found at corner;

21           THENCE, along or westerly of the west line of a tract of land  
22 conveyed to Boyce Creek Estates Partnership, according to the  
23 Warranty Deed recorded in County Clerk File No. 20071205001626340  
24 (LRCCT) and the east line of said Wenners Park the following;

25           S 00° 48' 53" W, a distance of 913.39 feet to a 1/2" iron pin  
26 found at corner;

27           S 01° 05' 39" W, a distance of 117.27 feet to a 1/2" iron pin

1 with a red cap stamped Tipton Eng, Inc. set at corner;

2 S 00° 24' 39" E, a distance of 1169.17 feet to a 1/2" iron pin  
3 found at corner;

4 S 01° 16' 49" E, a distance of 426.06 feet to the southeast  
5 corner of said Wenners Park, said corner being located on the north  
6 line of a tract of land conveyed to Thomas A. Adcox according to the  
7 Warranty Deed recorded in County Clerk File No. 93-0055843 (LRCCT),  
8 a 1" iron pipe found at corner from which a fence corner post found  
9 bears N 58° 58' 10" E - 1.72 feet;

10 THENCE, N 88° 15' 15" W, a distance of 234.65 feet along the  
11 south line of said Wenners Park and south of the found north line of  
12 a tract of land conveyed to Thomas A. Adcox according to the  
13 Warranty Deed recorded in County Clerk File No. 93-0055843 (LRCCT)  
14 to a 5/8" iron pin found at corner;

15 THENCE, N 88° 28' 43" W, continuing along the Wenners Park  
16 south line along the north line of a tract of land conveyed to  
17 Ronald D. Townsend according to the Warranty Deed With vendor's  
18 Lien recorded in County Clerk File No. 95.0095541 (LRCCT), a  
19 distance of 138.01 feet to the northwest corner of said Ronald D.  
20 Townsend tract;

21 THENCE, continuing along the Wenners Park south line and  
22 along or north of the north line of a tract of land conveyed to  
23 Arapaho East, Inc. according to the Warranty Deed With Vendor's  
24 Lien recorded in County Clerk File No. 2007125000110590 the  
25 following; N 87° 28' 53" W, a distance of 106.30 feet to a 1/2" iron  
26 pin found at corner;

27 N 89° 09' 24" W, a distance of 660.91 feet;

1 N 89° 15' 04" W, a distance of 329.10 feet to a 1/2" iron pin  
2 with a red cap stamped Tipton Eng, Inc. set at corner;

3 S 89° 19' 08" W, a distance of 200.98 feet to a point being the  
4 northwest corner of said Arapaho East, Inc. tract and the northeast  
5 corner of a tract of land conveyed to John Yeager according to the  
6 Warranty Deed recorded in County Clerk File No. 95-0018001 (LRCCT),  
7 from said point a 1/2" iron pin with a yellow cap stamped R.S.C.I.  
8 RPLS 5034 bears N 46° 38' 55" E- 3.09 feet;

9 THENCE, S 89° 49' 14" W, continuing along said Wenners Park  
10 south line, and the north line of said John Yeager tract, a distance  
11 of 831.17 feet to a common property corner being the southwest  
12 corner of said Wenners Park, a northwesterly corner of said John  
13 Yeager tract, and at a corner of a tract of land conveyed to the  
14 United States Of America, no monument found at corner.

15 THENCE, along the west line of said Wenners Park, and part of  
16 the way along an east line of said United States of America, and on  
17 or near the east line of said John Lindsley McCraw and Marjorie  
18 Elizabeth McCraw tract the following;

19 N 01° 20' 52" W, a distance of 63.19 feet to a US Government  
20 monument in concrete found at corner;

21 N 00° 05' 48" E, a distance of 350.50 feet to a 1/2" iron pin  
22 found at corner;

23 N 00° 00' 20" W, a distance of 428.47 feet to a 1/2" iron pin  
24 found at corner;

25 N 01° 04' 04" W, a distance of 564.64 feet to a 1/2" iron pin  
26 with a red cap stamped Tipton Eng, Inc. set at corner;

27 N 00° 25' 45" W, a distance of 1081.22 feet to the Place of



1 Beginning with the subject tract containing 6,354,268 Square Feet  
2 or 145.8739 acres of land.

3 PARCEL 11

4 BEING a tract of land situated in the Roger Willis Survey,  
5 Abstract No. 748 and the James Osgood Survey, Abstract No. 673, in  
6 Collin County, Texas, the subject tract being all of that 122.085  
7 acre tract of land conveyed to Boyce Creek Estates Partnership, a  
8 Texas General Partnership according to the Warranty deed recorded  
9 in County Clerk File Number 20071205001626340 (LRCCT), the subject  
10 tract being more particularly described as follows;

11 BEGINNING at a point on the south line of County Road No. 543  
12 (a 120' ROW), said point being located at the Northeast corner of  
13 Lot 12 of Wenners Park, an addition to Collin County Texas according  
14 to the Final Plat recorded in Cabinet J, Page 136, (LRCCT), said  
15 point further being the northwest corner of said Boyce Creek  
16 Estates Partnership 122.085 acre tract, a 1/2" iron pin found next  
17 to a fence corner post at corner,

18 THENCE, N 89° 42' 04" E, along the south line of said County  
19 Road Number 543, a distance of 645.18 feet to the northwest corner  
20 of a remaining tract of land conveyed to Commercial Capital  
21 Investments, Inc. according to the deed recorded in County Clerk  
22 File Number 94-0058780 (LRCCT), a 1/2" iron pin found at corner;

23 THENCE, S 00° 17' 56" E, along the west line of said Commercial  
24 Capital Investments, Inc. tract, a distance of 116.02 feet;

25 THENCE, N 89° 51' 51" E, along the south line of said  
26 Commercial Capital Investments, Inc. tract, a distance of 450.80  
27 feet;

1           THENCE, N 00° 17' 56" W, along the east line of said Commercial  
2 Capital Investments, Inc. tract, a distance of 117.32 feet to a  
3 point on the said County Road Number 543 south line, a 1/2" iron pin  
4 found at corner;

5           THENCE, N 89° 42' 04" E, along said County Road Number 543  
6 south line, a distance of 943.24 feet to the northeast corner of  
7 said Boyce Creek Estates Partnership tract, said point further  
8 being the northwest corner of a 11.430 acre tract of land conveyed  
9 to Raymond and Mary Estrello as recorded in Volume 1268, Page 498  
10 (LRCCT);

11           THENCE, S 00° 13' 19" E, along the west line of said 11.430  
12 acre tract, a distance of 449.65 feet to a 1/2" iron pin found at  
13 corner;

14           THENCE, S 00° 05' 23" W, along a fence, a distance of 1068.33  
15 feet to the existing southwest corner of a 2.600 acre tract of land  
16 conveyed to Ray Estrello according to the deed recorded in Collin  
17 County Clerk File Number 96-0033461 (LRCCT);

18           THENCE, S 00° 01' 45" E, along a fence, a distance of 350.10  
19 feet to the southwest corner of an 8.00 acre tract of land conveyed  
20 to Keenan and Janice Lusk according to the deed recorded in Collin  
21 County Clerk File Number 96-0010294 (LRCCT), a 3/8" iron pin found  
22 at corner;

23           THENCE, S 00° 03' 28" E, along a fence, a distance of 750.92  
24 feet to the southeast corner of said Boyce Creek Estates  
25 Partnership tract and the southwest corner of a 14.500 acre tract of  
26 land conveyed to Rick and Terry Rabon according to the deed recorded  
27 Collin County Clerk File Number 96-0055479 (LRCCT);

1           THENCE, along the south line of said Boyce Creek Estates  
2 Partnership tract the following;

3           S 88° 49' 18" W, a distance of 322.40 feet to a 3/8" iron pin  
4 found at corner;

5           S 89° 32' 40" W, a distance of 641.39 feet;

6           S 89° 42' 16" W, a distance of 1073.83 feet to the southwest  
7 corner of said Boyce Creek Estates Partnership tract, a 1" iron pipe  
8 found at corner, said corner further being the southeast corner of  
9 the previously mentioned Wenners Park addition;

10          THENCE, along the west line of said Boyce Creek Estates  
11 Partnership tract the following;

12          N 00° 42' 50" W, passing 4.2 feet east of an angle point of  
13 said Wenners Park at a distance of 426.03 feet and continuing to  
14 make a total distance of 837.78 feet;

15          N 00° 38' 25" W, a distance of 519.80 feet;

16          N 00° 36' 47" E, passing 4.2 feet east of a 1/2" iron pin with a  
17 red cap stamped Tipton Eng., Inc. found at corner at a distance of  
18 237.57 feet and passing 3.2 feet east of a 1/2" iron pin found at a  
19 distance of 354.83 feet and continuing to make a total distance of  
20 1268.21 feet to the Place of Beginning with the subject tract  
21 containing 5,317,920 Square Feet or 122.0827 acres of land.

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

1 Government Code.

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

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

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

13 SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.