

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 4737
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Lake Texoma Municipal Utility
1-9 District No. 1; providing authority to impose a tax or assessment
1-10 and issue bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8359 to read as follows:

1-14 CHAPTER 8359. LAKE TEXOMA MUNICIPAL UTILITY DISTRICT NO. 1

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8359.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Lake Texoma Municipal Utility
1-20 District No. 1.

1-21 Sec. 8359.002. NATURE OF DISTRICT. The district is a
1-22 municipal utility district created under Section 59, Article XVI,
1-23 Texas Constitution.

1-24 Sec. 8359.003. CONFIRMATION AND DIRECTORS' ELECTION
1-25 REQUIRED. (a) The temporary directors shall hold an election to
1-26 confirm the creation of the district and to elect five permanent
1-27 directors as provided by Section 49.102, Water Code.

1-28 (b) The temporary directors of any new district created
1-29 under Section 8359.108 may not hold an election under Subsection
1-30 (a) until the earlier of:

1-31 (1) the date the land in the new district has been
1-32 annexed by the City of Denison; or

1-33 (2) not later than the 180th day after the date the
1-34 City of Denison receives a written petition from a landowner
1-35 requesting annexation that the city does not grant.

1-36 (c) The petition described by Subsection (b) must:

1-37 (1) request annexation of land that is contiguous with
1-38 a boundary of the City of Denison;

1-39 (2) include all the land in the new district;

1-40 (3) include land covered by the development agreement
1-41 executed under Section 8359.004;

1-42 (4) include the landowner's consent to abide by the
1-43 comprehensive land use plan and development regulations as defined
1-44 in the development agreement; and

1-45 (5) if the development agreement for the land included
1-46 in the new district expires before a new district is created under
1-47 Section 8359.108, include the landowner's consent to reinstate the
1-48 comprehensive land use plan and development regulations defined in
1-49 the expired development agreement.

1-50 Sec. 8359.004. DEVELOPMENT AGREEMENT REQUIRED. The
1-51 temporary directors may not hold an election under Section 8359.003
1-52 until the City of Denison and the owners of the land to be covered by
1-53 a development agreement that covers all or part of the land in the
1-54 district enter into the development agreement under Chapter 212,
1-55 Local Government Code.

1-56 Sec. 8359.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-57 The district is created to serve a public purpose and benefit.

1-58 (b) All land and other property included in the district
1-59 will benefit from the improvements and services to be provided by
1-60 the district under powers conferred by Section 52, Article III, and
1-61 Section 59, Article XVI, Texas Constitution, and under this
1-62 chapter.

1-63 (c) The district is created to accomplish the purposes of:

1-64 (1) a municipal utility district as provided by

2-1 general law and Section 59, Article XVI, Texas Constitution; and
 2-2 (2) Section 52, Article III, Texas Constitution, that
 2-3 relate to the construction, acquisition, improvement, operation,
 2-4 or maintenance of macadamized, graveled, or paved roads, or
 2-5 improvements, including storm drainage, in aid of those roads.

2-6 Sec. 8359.006. INITIAL DISTRICT TERRITORY. (a) The
 2-7 district is initially composed of the territory described by
 2-8 Section 2 of the Act creating this chapter.

2-9 (b) The boundaries and field notes contained in Section 2 of
 2-10 the Act creating this chapter form a closure. A mistake made in the
 2-11 field notes or in copying the field notes in the legislative process
 2-12 does not affect the district's:

2-13 (1) organization, existence, or validity;

2-14 (2) right to issue any type of bond for the purposes
 2-15 for which the district is created or to pay the principal of and
 2-16 interest on a bond;

2-17 (3) right to impose a tax or assessment; or

2-18 (4) legality or operation.

2-19 Sec. 8359.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT
 2-20 REINVESTMENT ZONE. (a) All or any part of the district is eligible
 2-21 to be included in a tax increment reinvestment zone created under
 2-22 Chapter 311, Tax Code.

2-23 (b) If the City of Denison creates a tax increment
 2-24 reinvestment zone described by Subsection (a) that includes all or
 2-25 part of the territory of the district, the City of Denison and the
 2-26 board of directors of the zone, by contract with the district, may
 2-27 grant money to the district to be used for a permissible purpose of
 2-28 a corporation under Section 380.002(b), Local Government Code,
 2-29 including the right to pledge the money as security for a bond
 2-30 issued by the district.

2-31 [Sections 8359.008-8359.050 reserved for expansion]

2-32 SUBCHAPTER B. BOARD OF DIRECTORS

2-33 Sec. 8359.051. GOVERNING BODY; TERMS. (a) The district is
 2-34 governed by a board of five elected directors.

2-35 (b) Except as provided by Section 8359.052, directors serve
 2-36 staggered four-year terms.

2-37 Sec. 8359.052. TEMPORARY DIRECTORS. (a) The temporary
 2-38 board consists of:

2-39 (1) Ben Munson;

2-40 (2) Gifford Jackson;

2-41 (3) Robert Vaughn;

2-42 (4) Denice Lucas; and

2-43 (5) Patrick O'Toole.

2-44 (b) Temporary directors serve until the earlier of:

2-45 (1) the date permanent directors are elected under
 2-46 Section 8359.003; or

2-47 (2) September 1, 2013.

2-48 (c) If permanent directors have not been elected under
 2-49 Section 8359.003 and the terms of the temporary directors have
 2-50 expired, successor temporary directors shall be appointed or
 2-51 reappointed as provided by Subsection (d) to serve terms that
 2-52 expire on the earlier of:

2-53 (1) the date permanent directors are elected under
 2-54 Section 8359.003; or

2-55 (2) the fourth anniversary of the date of the
 2-56 appointment or reappointment.

2-57 (d) If Subsection (c) applies, the owner or owners of a
 2-58 majority of the assessed value of the real property in the district
 2-59 may submit a petition to the Texas Commission on Environmental
 2-60 Quality requesting that the commission appoint as successor
 2-61 temporary directors the five persons named in the petition. The
 2-62 commission shall appoint as successor temporary directors the five
 2-63 persons named in the petition.

2-64 [Sections 8359.053-8359.100 reserved for expansion]

2-65 SUBCHAPTER C. POWERS AND DUTIES

2-66 Sec. 8359.101. GENERAL POWERS AND DUTIES. The district has
 2-67 the powers and duties necessary to accomplish the purposes for
 2-68 which the district is created.

2-69 Sec. 8359.102. MUNICIPAL UTILITY DISTRICT POWERS AND

3-1 DUTIES. The district has the powers and duties provided by the
 3-2 general law of this state, including Chapters 49 and 54, Water Code,
 3-3 applicable to municipal utility districts created under Section 59,
 3-4 Article XVI, Texas Constitution.

3-5 Sec. 8359.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 3-6 52, Article III, Texas Constitution, the district may design,
 3-7 acquire, construct, finance, issue bonds for, improve, operate,
 3-8 maintain, and convey to this state, a county, or a municipality for
 3-9 operation and maintenance macadamized, graveled, or paved roads, or
 3-10 improvements, including storm drainage, in aid of those roads.

3-11 Sec. 8359.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
 3-12 project must meet all applicable construction standards, zoning and
 3-13 subdivision requirements, and regulations of each municipality in
 3-14 whose corporate limits or extraterritorial jurisdiction the road
 3-15 project is located.

3-16 (b) If a road project is not located in the corporate limits
 3-17 or extraterritorial jurisdiction of a municipality, the road
 3-18 project must meet all applicable construction standards,
 3-19 subdivision requirements, and regulations of each county in which
 3-20 the road project is located.

3-21 (c) If the state will maintain and operate the road, the
 3-22 Texas Transportation Commission must approve the plans and
 3-23 specifications of the road project.

3-24 Sec. 8359.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 3-25 OR RESOLUTION. (a) The district shall comply with all applicable
 3-26 requirements of an ordinance or resolution adopted by the City of
 3-27 Denison in accordance with Section 54.016 or 54.0165, Water Code,
 3-28 that consents to the creation of the district or to the inclusion of
 3-29 land in the district. The ordinance or resolution of the City of
 3-30 Denison consenting to the creation of the district may limit the
 3-31 amount of the district's bonds and tax rate.

3-32 (b) The ordinance or resolution of the City of Denison
 3-33 consenting to the inclusion of additional land in the district may
 3-34 be conditioned on the additional land being covered by the
 3-35 development agreement executed under Section 8359.004.

3-36 (c) The consent ordinance or resolution of the City of
 3-37 Denison may not impose a restriction or condition not expressly
 3-38 provided under Section 54.016(f), Water Code, on a new district
 3-39 created under Section 8359.108 or on the inclusion of land in the
 3-40 new district. A restriction or condition on the creation of a new
 3-41 district under Section 8359.108 or the inclusion of land in a new
 3-42 district may not:

3-43 (1) limit the amount of the new district's bonds or tax
 3-44 rate; or

3-45 (2) restrict the purposes authorized by this chapter
 3-46 for which the new district may issue bonds.

3-47 Sec. 8359.106. ANNEXATION. (a) Before the district holds
 3-48 an election under Section 8359.003, the district may annex:

3-49 (1) without the consent of the City of Denison, land
 3-50 previously owned by the United States Army Corps of Engineers; or

3-51 (2) in accordance with Section 54.016, Water Code,
 3-52 land located in the extraterritorial jurisdiction or corporate
 3-53 limits of the City of Denison if the City of Denison has consented
 3-54 by ordinance or resolution to the annexation.

3-55 (b) The district may not annex land located outside the
 3-56 corporate limits and extraterritorial jurisdiction of the City of
 3-57 Denison.

3-58 Sec. 8359.107. EFFECT OF ANNEXATION BY CITY OF DENISON. (a)
 3-59 The City of Denison may annex part of the district into its
 3-60 corporate limits without annexing the entire district under the
 3-61 terms of a development agreement executed under Section 8359.004
 3-62 between the City of Denison and the owners of the land in the
 3-63 district that is covered by the development agreement. If a
 3-64 development agreement is not executed under Section 8359.004 or the
 3-65 agreement has expired, nothing in this chapter limits the right of
 3-66 the City of Denison to annex the district.

3-67 (b) If the City of Denison annexes all or part of the
 3-68 district into its corporate limits:

3-69 (1) the district is not dissolved;

4-1 (2) the ability of the district to issue bonds is not
4-2 impaired or precluded; and
4-3 (3) unless otherwise approved by the board and the
4-4 governing body of the City of Denison, the city:
4-5 (A) may not take over the property or other
4-6 assets of the district;
4-7 (B) may not assume any debts, liabilities, or
4-8 other obligations of the district;
4-9 (C) is not obligated to perform any functions of
4-10 the district; and
4-11 (D) is not obligated to pay a landowner or
4-12 developer for expenses incurred by the landowner or developer in
4-13 connection with the district that would otherwise be eligible for
4-14 reimbursement from the proceeds of bonds issued by the district.
4-15 (c) Notwithstanding Section 54.016(f)(2), Water Code, an
4-16 allocation agreement between the City of Denison and the district
4-17 that provides for the allocation of the taxes or revenues of the
4-18 district and the city following the date of inclusion of all the
4-19 district's territory in the corporate limits of the city may
4-20 provide that the total annual ad valorem taxes collected by the city
4-21 and the district from taxable property in the district may exceed
4-22 the city's ad valorem tax on that property.
4-23 Sec. 8359.108. DIVISION OF DISTRICT. (a) The district may
4-24 be divided into two or more new districts only if the district:
4-25 (1) has no outstanding bonded debt; and
4-26 (2) is not imposing ad valorem taxes.
4-27 (b) This chapter applies to any new district created by the
4-28 division of the district, and a new district has all the powers and
4-29 duties of the district.
4-30 (c) Any new district created by the division of the district
4-31 may, at the time the new district is created, contain only:
4-32 (1) land within the area described by Section 2 of the
4-33 Act creating this chapter;
4-34 (2) any land previously owned by the United States
4-35 Army Corps of Engineers; and
4-36 (3) any land adjacent to the area described by Section
4-37 2 of the Act creating this chapter if that adjacent land is within
4-38 the extraterritorial jurisdiction of the City of Denison and if
4-39 that adjacent land has been approved for inclusion in the district
4-40 under the consent ordinance or resolution adopted by the City of
4-41 Denison under Section 8359.105.
4-42 (d) The board, on its own motion or on receipt of a petition
4-43 signed by the owner or owners of a majority of the assessed value of
4-44 the real property in the district, may adopt an order dividing the
4-45 district.
4-46 (e) The board may adopt an order dividing the district only
4-47 after the date the board holds an election under Section 8359.003 to
4-48 confirm the district's creation.
4-49 (f) An order dividing the district must:
4-50 (1) name each new district;
4-51 (2) include the metes and bounds description of the
4-52 territory of each new district;
4-53 (3) appoint temporary directors for each new district;
4-54 and
4-55 (4) provide for the division of assets and liabilities
4-56 between or among the new districts.
4-57 (g) On or before the 30th day after the date of adoption of
4-58 an order dividing the district, the district shall file the order
4-59 with the Texas Commission on Environmental Quality and record the
4-60 order in the real property records of each county in which the
4-61 district is located.
4-62 (h) Any new district created by the division of the district
4-63 shall hold a confirmation and directors' election as required by
4-64 Section 8359.003.
4-65 (i) Municipal consent by the City of Denison is not required
4-66 for the creation of any new district created under this section.
4-67 (j) Any new district created by the division of the district
4-68 must hold an election as required by this chapter to obtain voter
4-69 approval before the district may impose a maintenance tax or issue

5-1 bonds payable wholly or partly from ad valorem taxes.

5-2 (k) If the voters of a new district do not confirm the
5-3 creation of the new district, the assets, obligations, territory,
5-4 and governance of the new district revert to that of the original
5-5 district.

5-6 Sec. 8359.109. DISSOLUTION OF DISTRICT. The district may
5-7 be dissolved by ordinance or resolution of the governing body of the
5-8 City of Denison after the date on which at least 95 percent of the
5-9 infrastructure authorized by this chapter and the Water Code to
5-10 serve full development in the district has been completed. On
5-11 dissolution, the City of Denison shall:

5-12 (1) take over the property and other assets of the
5-13 district;

5-14 (2) assume all debts, liabilities, or other
5-15 obligations of the district;

5-16 (3) perform the functions of the district; and

5-17 (4) pay any landowner or developer for costs and
5-18 expenses incurred by the landowner or developer in connection with
5-19 the district that would otherwise be eligible for reimbursement
5-20 from the proceeds of bonds issued by the district.

5-21 Sec. 8359.110. LIMITATION ON USE OF EMINENT DOMAIN. The
5-22 district may not exercise the power of eminent domain outside the
5-23 district to acquire a site or easement for:

5-24 (1) a road project authorized by Section 8359.103; or

5-25 (2) a recreational facility as defined by Section
5-26 49.462, Water Code.

5-27 [Sections 8359.111-8359.150 reserved for expansion]

5-28 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5-29 Sec. 8359.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
5-30 district may issue, without an election, bonds and other
5-31 obligations secured by:

5-32 (1) revenue other than ad valorem taxes; or

5-33 (2) contract payments described by Section 8359.153.

5-34 (b) The district must hold an election in the manner
5-35 provided by Chapters 49 and 54, Water Code, to obtain voter approval
5-36 before the district may impose an ad valorem tax or issue bonds
5-37 payable from ad valorem taxes.

5-38 (c) The district may not issue bonds payable from ad valorem
5-39 taxes to finance a road project unless the issuance is approved by a
5-40 vote of a two-thirds majority of the district voters voting at an
5-41 election held for that purpose.

5-42 Sec. 8359.152. OPERATION AND MAINTENANCE TAX. (a) If
5-43 authorized at an election held under Section 8359.151, the district
5-44 may impose an operation and maintenance tax on taxable property in
5-45 the district in accordance with Section 49.107, Water Code.

5-46 (b) The board shall determine the tax rate. The rate may not
5-47 exceed the rate approved at the election.

5-48 Sec. 8359.153. CONTRACT TAXES. (a) In accordance with
5-49 Section 49.108, Water Code, the district may impose a tax other than
5-50 an operation and maintenance tax and use the revenue derived from
5-51 the tax to make payments under a contract after the provisions of
5-52 the contract have been approved by a majority of the district voters
5-53 voting at an election held for that purpose.

5-54 (b) A contract approved by the district voters may contain a
5-55 provision stating that the contract may be modified or amended by
5-56 the board without further voter approval.

5-57 [Sections 8359.154-8359.200 reserved for expansion]

5-58 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5-59 Sec. 8359.201. AUTHORITY TO ISSUE BONDS AND OTHER
5-60 OBLIGATIONS. The district may issue bonds or other obligations
5-61 payable wholly or partly from ad valorem taxes, impact fees,
5-62 revenue, contract payments, grants, or other district money,
5-63 revenue from a tax increment reinvestment zone created under
5-64 Chapter 311, Tax Code, revenue from economic development agreements
5-65 under Chapter 380, Local Government Code, or any combination of
5-66 those sources, to pay for any authorized district purpose.

5-67 Sec. 8359.202. TAXES FOR BONDS. At the time the district
5-68 issues bonds payable wholly or partly from ad valorem taxes, the
5-69 board shall provide for the annual imposition of a continuing

6-1 direct ad valorem tax, without limit as to rate or amount, while all
 6-2 or part of the bonds are outstanding as required and in the manner
 6-3 provided by Sections 54.601 and 54.602, Water Code.

6-4 Sec. 8359.203. BONDS FOR ROAD PROJECTS. At the time of
 6-5 issuance, the total principal amount of bonds or other obligations
 6-6 issued or incurred to finance road projects and payable from ad
 6-7 valorem taxes may not exceed one-fourth of the assessed value of the
 6-8 real property in the district.

6-9 SECTION 2. The Lake Texoma Municipal Utility District No. 1
 6-10 initially includes all the territory contained in the following
 6-11 area:

6-12 Situated in the County of Grayson, State of Texas, being a
 6-13 part of the Stephen Cox Survey, Abstract No. 299, the H. K. Needham
 6-14 Survey, Abstract No. 1520, the Sarah Hall Survey, Abstract No.
 6-15 1485, the Levi T. Loveall Survey, Abstract No. 746, the Bledsoe
 6-16 Holder Survey, Abstract No. 614, the William J. Reeves Survey,
 6-17 Abstract No. 1018, the Thomas M. Reeves Survey, Abstract No. 1017,
 6-18 the William Bean Survey, Abstract No. 84, the Greenberry Gates
 6-19 Survey, Abstract No. 443, the Jacob Wilcox Survey, Abstract No.
 6-20 1358, the Polly Stamps Survey, Abstract No. 1098, the Joshua West
 6-21 Survey, Abstract No. 1316, and being all of the J. C. Jamison
 6-22 Survey, Abstract No. 665, the T. E. Jones Survey, Abstract No. 55,
 6-23 the R. J. Lefever Survey, Abstract No. 753, the Mary E. Bowe Survey,
 6-24 Abstract No. 181, the Charles F. Daugherty Survey, Abstract No.
 6-25 1566, the H. B. Thomas Survey, Abstract No. 1572, and the Juan
 6-26 Armendaris Survey, Abstract No. 40, and being various tracts of
 6-27 land conveyed in various interests to Preston Harbour, L.P., Jack
 6-28 Schuler, Farmington Estates, Ltd., Forest Grove Land Company,
 6-29 L.L.C., and Preston Harbour Homeplace by descriptions in deed
 6-30 recorded in Volume 3449, Page 257, Volume 3599, Page 455, Volume
 6-31 4323, Page 875, Volume 4323, Page 881, Volume 3295, Page 526, Volume
 6-32 3276, Page 526, Volume 3944, Pages 609 and 615, Volume 3276, Page
 6-33 398, Volume 4323, Page 888, Volume 3718, Page 878, Volume 4323, Page
 6-34 895, and Volume 3941, Page 871, all of the Official Public Records,
 6-35 Grayson County, Texas, and being described as follows:

6-36 Beginning at a point for the most Southerly Southeast corner
 6-37 of the herein described tract the intersection of the East line of
 6-38 the said Cox Survey with the North right-of-way line of F.M. Highway
 6-39 No. 406;

6-40 Thence Westerly with said North right-of-way line as follows:

6-41 North 44°00'30" West, a distance of 76.92 feet;

6-42 Northwesterly with a curve to the left having a radius of
 6-43 1,517.39 feet (chord bears North 57°12'58" West, 449.54 feet) an arc
 6-44 distance of 451.20 feet;

6-45 North 01°57'58" East, a distance of 20.01 feet;

6-46 North 87°10'26" West, a distance of 53.63 feet;

6-47 Westerly with a non-tangent curve to the left having a radius
 6-48 of 1,517.39 feet (chord bears North 77°32'28" West, 507.89 feet) an
 6-49 arc distance of 510.29 feet;

6-50 North 87°34'14" West, a distance of 724.69 feet;

6-51 North 87°42'32" West, a distance of 215.02 feet;

6-52 North 88°14'34" West, a distance of 199.86 feet;

6-53 North 75°33'45" West, a distance of 205.00 feet;

6-54 North 88°14'34" West, a distance of 200.00 feet;

6-55 South 84°37'56" West, a distance of 201.56 feet;

6-56 North 88°14'34" West, a distance of 338.31 feet;

6-57 North 87°02'49" West, a distance of 314.69 feet;

6-58 North 77°52'42" West, a distance of 41.24 feet to the
 6-59 intersection of said North right-of-way line with the East line of
 6-60 the USA property embracing City of Denison;

6-61 Thence with the USA boundary as follows:

6-62 North 00°04'03" East, a distance of 1,381.78 feet;

6-63 North 89°53'11" West, a distance of 650.19 feet;

6-64 North 00°07'13" East, a distance of 1,949.53 feet;

6-65 South 89°51'06" East, a distance of 840.00 feet;

6-66 North 00°03'31" East, a distance of 850.00 feet;

6-67 North 89°57'20" West, a distance of 500.00 feet;

6-68 North 00°00'29" East, a distance of 1,057.78 feet;

6-69 North 00°00'44" West, a distance of 1,530.00 feet;

7-1 North 89°59'16" East, a distance of 800.00 feet;
 7-2 North 00°00'44" West, a distance of 1,099.40 feet;
 7-3 South 87°26'08" East, a distance of 4,441.44 feet;
 7-4 North 01°25'48" East, a distance of 1,465.32 feet;
 7-5 North 87°08'00" West, a distance of 2,370.30 feet;
 7-6 North 10°19'33" East, a distance of 1,184.67 feet;
 7-7 North 86°06'49" West, a distance of 1,106.58 feet;
 7-8 North 02°02'54" East, a distance of 969.85 feet;
 7-9 North 86°15'15" West, a distance of 425.41 feet;
 7-10 North 03°32'53" East, a distance of 1,251.67 feet;
 7-11 North 88°27'30" East, a distance of 2,465.83 feet;
 7-12 North 01°45'27" East, a distance of 1,293.09 feet;
 7-13 South 87°21'00" East, a distance of 125.56 feet;
 7-14 North 00°00'56" East, a distance of 788.69 feet;
 7-15 North 89°58'45" West, a distance of 1,280.23 feet;
 7-16 North 00°01'20" East, a distance of 1,029.44 feet;
 7-17 South 89°56'44" West, a distance of 537.47 feet;
 7-18 North 07°13'40" East, a distance of 355.69 feet;
 7-19 North 89°52'44" West, a distance of 463.09 feet;
 7-20 North 00°07'06" East, a distance of 850.09 feet;
 7-21 South 89°54'25" East, a distance of 821.95 feet;
 7-22 North 00°03'52" West, a distance of 872.97 feet;
 7-23 North 89°59'31" East, a distance of 750.35 feet;
 7-24 South 00°14'40" East, a distance of 1,000.21 feet;
 7-25 North 89°55'46" East, a distance of 980.28 feet;
 7-26 North 00°12'25" West, a distance of 1,450.28 feet;
 7-27 South 89°50'21" East, a distance of 515.07 feet;
 7-28 North 00°04'55" East, a distance of 449.79 feet;
 7-29 North 89°56'16" East, a distance of 694.55 feet;
 7-30 South 03°06'32" West, a distance of 3,023.73 feet;
 7-31 South 87°37'57" East, a distance of 1,030.28 feet;
 7-32 South 03°04'54" West, a distance of 920.08 feet;
 7-33 South 87°38'30" East, a distance of 86.17 feet;
 7-34 South 02°59'45" West, a distance of 411.56 feet;
 7-35 Thence South 87°01'15" East, passing a USA property corner,
 7-36 departing said USA boundary and continuing for a total distance of
 7-37 512.48 feet;
 7-38 Thence South 01°34'09" West, a distance of 49.43 feet;
 7-39 Thence South 10°45'31" East, a distance of 64.75 feet;
 7-40 Thence North 46°17'19" East, a distance of 86.01 feet;
 7-41 Thence North 43°42'41" West, a distance of 23.21 feet;
 7-42 Thence North 01°31'40" East, a distance of 33.82 feet;
 7-43 Thence South 87°01'15" East, a distance of 939.51 feet to a
 7-44 corner in the West right-of-way line of State Highway No. 84;
 7-45 Thence in Southerly direction with said West right-of-way
 7-46 line and a non-tangent curve to the right having a radius of
 7-47 5,679.58 feet (chord bears South 01°50'38" East, 179.72 feet) an arc
 7-48 distance of 179.73 feet;
 7-49 Thence South 00°56'14" East, a distance of 2,744.58 feet to
 7-50 the intersection of said West right-of-way line with the North line
 7-51 of a 30 foot wide strip of land;
 7-52 Thence with the boundary of said strip of land as follows:
 7-53 South 78°43'18" West, a distance of 476.49 feet;
 7-54 North 08°55'55" West, a distance of 184.27 feet;
 7-55 North 87°59'26" West, a distance of 768.80 feet;
 7-56 South 02°52'06" West, a distance of 30.00 feet;
 7-57 South 87°59'26" East, a distance of 744.49 feet;
 7-58 South 08°55'55" East, a distance of 190.77 feet;
 7-59 North 78°43'18" East, a distance of 502.27 feet to the
 7-60 intersection of the South line of said strip of land with the said
 7-61 West right-of-way line of Highway No. 84;
 7-62 Thence continuing with said West right-of-way line as
 7-63 follows:
 7-64 South 00°56'14" East, a distance of 429.67 feet;
 7-65 Southerly with a curve to the left having a radius of 2,914.79
 7-66 feet (chord bears South 08°27'14" East, 762.59 feet), an arc
 7-67 distance of 764.79 feet;
 7-68 South 15°58'14" East, a distance of 3,853.45 feet;
 7-69 Thence departing said West right-of-way line and continuing

8-1 as follows:

- 8-2 South 01°12'38" West, a distance of 499.66 feet;
- 8-3 North 87°44'23" West, a distance of 2,445.14 feet;
- 8-4 South 01°58'12" West, a distance of 1,215.19 feet;
- 8-5 South 01°35'30" West, a distance of 1,643.46 feet;
- 8-6 South 01°46'06" West, a distance of 2,228.41 feet;
- 8-7 North 88°02'55" West, a distance of 3,103.33 feet;
- 8-8 South 01°42'59" West, a distance of 1,738.89 feet to the Point
- 8-9 of Beginning and containing approximately 2,272.6 acres of land.

8-10 SECTION 3. (a) The legal notice of the intention to
8-11 introduce this Act, setting forth the general substance of this
8-12 Act, has been published as provided by law, and the notice and a
8-13 copy of this Act have been furnished to all persons, agencies,
8-14 officials, or entities to which they are required to be furnished
8-15 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-16 Government Code.

8-17 (b) The governor, one of the required recipients, has
8-18 submitted the notice and Act to the Texas Commission on
8-19 Environmental Quality.

8-20 (c) The Texas Commission on Environmental Quality has filed
8-21 its recommendations relating to this Act with the governor, the
8-22 lieutenant governor, and the speaker of the house of
8-23 representatives within the required time.

8-24 (d) All requirements of the constitution and laws of this
8-25 state and the rules and procedures of the legislature with respect
8-26 to the notice, introduction, and passage of this Act are fulfilled
8-27 and accomplished.

8-28 SECTION 4. This Act takes effect September 1, 2009.

8-29

* * * * *