

By: Alonzo

H.B. No. 4738

Substitute the following for H.B. No. 4738:

By: Howard of Fort Bend

C.S.H.B. No. 4738

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the North Oak Cliff Municipal
3 Management District; providing the authority to impose an
4 assessment, impose a tax, and issue bonds.

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

6 SECTION 1. Subtitle C, Title 4, Special District Local Laws
7 Code, is amended by adding Chapter 3884 to read as follows:

8 CHAPTER 3884. NORTH OAK CLIFF MUNICIPAL MANAGEMENT DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3884.001. DEFINITIONS. In this chapter:

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

12 (2) "City" means the City of Dallas.

13 (3) "District" means the North Oak Cliff Municipal
14 Management District.

15 (4) "Improvement project" means a project authorized
16 by Section 3884.102:

17 (A) inside the boundaries of the district; and

18 (B) in areas outside but adjacent to the
19 boundaries of the district if the project is for the purpose of
20 extending public infrastructure improvements beyond the district's
21 boundaries to a logical terminus.

22 Sec. 3884.002. CREATION AND NATURE OF DISTRICT. The
23 district is a special district created under Section 59, Article
24 XVI, Texas Constitution.

1 Sec. 3884.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
2 creation of the district is essential to accomplish the purposes of
3 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
4 Texas Constitution, and other public purposes stated in this
5 chapter. By creating the district and in authorizing the city and
6 other political subdivisions to contract with the district, the
7 legislature has established a program to accomplish the public
8 purposes set out in Section 52-a, Article III, Texas Constitution.

9 (b) The creation of the district is necessary to promote,
10 develop, encourage, and maintain employment, commerce,
11 transportation, housing, tourism, recreation, the arts,
12 entertainment, economic development, safety, the public welfare in
13 the district, and educational scholarships for college-bound
14 students residing in or out of the district.

15 (c) The district is created to supplement and not to
16 supplant city services provided in the district.

17 Sec. 3884.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
18 The district is created to serve a public use and benefit.

19 (b) All land and other property included in the district
20 will benefit from the improvements and services to be provided by
21 the district under powers conferred by Sections 52 and 52-a,
22 Article III, and Section 59, Article XVI, Texas Constitution, and
23 other powers granted under this chapter.

24 (c) The creation of the district is in the public interest
25 and is essential to further the public purposes of:

26 (1) developing and diversifying the economy of the
27 state;

1 (2) eliminating unemployment and underemployment;

2 (3) developing or expanding transportation and
3 commerce; and

4 (4) providing quality residential housing.

5 (d) The district will:

6 (1) promote the health, safety, and general welfare of
7 residents, employers, employees, potential employees, visitors,
8 and consumers in the district, and of the public;

9 (2) provide needed funding for the district to
10 preserve, maintain, and enhance the economic health and vitality of
11 the district territory as a residential community and business
12 center;

13 (3) promote the health, safety, welfare, and enjoyment
14 of the public by providing pedestrian ways and by landscaping and
15 developing certain areas in the district, which are necessary for
16 the restoration, preservation, and enhancement of scenic beauty;
17 and

18 (4) provide educational scholarships for
19 college-bound students residing in or out of the district.

20 (e) Pedestrian ways along or across a street, whether at
21 grade or above or below the surface, and street lighting, street
22 landscaping, vehicle parking, and street art objects are parts of
23 and necessary components of a street and are considered to be an
24 improvement project that includes a street or road improvement.

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

1 Sec. 3884.005. DISTRICT TERRITORY. (a) The district is
2 composed of the territory described by Section 2 of the Act creating
3 this chapter, as that territory may have been modified under
4 Section 3884.106.

5 (b) A mistake in the field notes of the district contained
6 in Section 2 of the Act creating this chapter or in copying the
7 field notes in the legislative process does not in any way affect:

8 (1) the district's organization, existence, or
9 validity;

10 (2) the district's right to contract, including the
11 right to issue any type of bond or other obligation for a purpose
12 for which the district is created;

13 (3) the district's right to impose or collect an
14 assessment, tax, or any other revenue; or

15 (4) the legality or operation of the board.

16 Sec. 3884.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

17 (a) All or any part of the area of the district is eligible to be
18 included in:

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

21 (2) a tax abatement reinvestment zone created by the
22 city under Chapter 312, Tax Code; or

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

25 (b) If the city creates a tax increment reinvestment zone
26 described by Subsection (a), the city and the board of directors of
27 the zone, by contract with the district, may grant money deposited

1 in the tax increment fund to the district to be used by the district
2 for the purposes permitted for money granted to a corporation under
3 Section 380.002(b), Local Government Code, including the right to
4 pledge the money as security for any bonds issued by the district
5 for an improvement project. A project may not receive public funds
6 under Section 380.002(b), Local Government Code, unless the project
7 has been approved by the governing body of the city by the adoption
8 of a resolution.

9 (c) A tax increment reinvestment zone created by the city in
10 the district is not subject to the limitations provided by Section
11 311.006(b), Tax Code.

12 [Sections 3884.007-3884.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 3884.051. GOVERNING BODY; TERMS. (a) The district is
15 governed by a board of nine directors composed of:

16 (1) six directors appointed by the governing body of
17 the city under Subsections (b) and (c);

18 (2) one assistant city manager of the city, appointed
19 by the city manager;

20 (3) the chief financial officer of the city; and

21 (4) the economic director of the city.

22 (b) Before the term of each director expires as provided by
23 Subsection (d), the owner or owners of a majority of the appraised
24 value of the real property in the district, or the majority of the
25 record owners of real property in the district subject to taxation,
26 may submit a petition to the governing body of the city requesting
27 that the governing body appoint as successor directors the persons

1 named in the petition. If the persons named in the petition meet
2 the qualifications prescribed by Sections 3884.052 and 3884.053,
3 the governing body may appoint those persons as successor
4 directors.

5 (c) If a petition is not submitted under Subsection (b), the
6 governing body of the city shall appoint as successor directors
7 persons who meet the qualifications prescribed by Sections 3884.052
8 and 3884.053.

9 (d) Directors serve staggered terms of four years, with four
10 or five directors' terms expiring July 1 of each odd-numbered year.

11 Sec. 3884.052. APPOINTMENT OF DIRECTORS; BOARD MEETINGS.

12 (a) Directors appointed by the governing body of the city must meet
13 at least one of the qualifications prescribed by Section 3884.053.

14 (b) A person may not be appointed to the board by the
15 governing body of the city if the appointment of that person would
16 result in fewer than:

17 (1) four of the directors being residents of the city
18 and meeting the qualifications prescribed by Section
19 3884.053(a)(2), (3), (4), or (5); and

20 (2) two of the directors meeting the qualifications
21 prescribed by Section 3884.053(a)(1).

22 (c) The governing body of the city may not appoint a person
23 as a director if the appointment will result in more than four
24 persons serving on the board at any time who are seeking financial
25 assistance or reimbursement from the district for capital
26 improvements in the district.

27 (d) The governing body of the city may remove a member of the

1 board with or without cause at any time by a majority vote.

2 (e) The board shall hold meetings at a place accessible to
3 the public. The board shall file a copy of the notice of a meeting
4 with the city's secretary. The city's secretary shall post the
5 notice at Dallas City Hall.

6 (f) The board may not create an executive committee to
7 exercise the powers of the board.

8 (g) If an office described in Section 3884.051(a) is
9 renamed, changed, or abolished, the governing body of the city may
10 appoint another city officer or employee who performs duties
11 comparable to those performed by the officer described by that
12 subsection.

13 Sec. 3884.053. QUALIFICATIONS OF DIRECTORS APPOINTED BY
14 CITY. (a) To be qualified to serve as a director appointed by the
15 governing body of the city, a person must be at least 18 years old
16 and must be:

17 (1) a resident of the district who is also a registered
18 voter of the district or a registered voter who lives within a
19 two-mile radius of the district;

20 (2) an owner of property in the district;

21 (3) an owner of stock, whether beneficial or
22 otherwise, of a corporate owner of property in the district;

23 (4) an owner of a beneficial interest in a trust that
24 owns property in the district; or

25 (5) an agent, employee, or tenant of a person covered
26 by Subdivision (2), (3), or (4).

27 (b) Section 49.052, Water Code, does not apply to the

1 district.

2 Sec. 3884.054. VACANCY. The governing body of the city
3 shall fill a vacancy on the board by appointing a person who meets
4 the qualifications prescribed by Section 3884.051(a) or 3884.053 to
5 serve for the remainder of the unexpired term.

6 Sec. 3884.055. DIRECTOR'S OATH OR AFFIRMATION. A
7 director's oath or affirmation of office shall be filed with the
8 district and the district shall retain the oath or affirmation in
9 the district records. A copy of each director's oath or affirmation
10 of office shall be filed with the city's secretary.

11 Sec. 3884.056. OFFICERS. The board shall elect from among
12 the directors a chair, a vice chair, and a secretary. The offices
13 of chair and secretary may not be held by the same person
14 concurrently.

15 Sec. 3884.057. COMPENSATION; EXPENSES; LIABILITY INSURANCE
16 FOR DIRECTORS. (a) The district may compensate each director in an
17 amount not to exceed \$50 for each board meeting. The total amount
18 of compensation for each director in one year may not exceed \$2,000.

19 (b) Directors are entitled to reimbursement for necessary
20 and reasonable expenses incurred in carrying out the duties and
21 responsibilities of the board.

22 (c) The district may obtain and pay for comprehensive
23 general liability insurance coverage from a commercial insurance
24 company or other source that protects and insures a director
25 against personal liability and from any and all claims relating to:

26 (1) actions taken by the director in the director's
27 capacity as a member of the board;

1 (2) actions and activities taken by the district; or
2 (3) the actions of others acting on behalf of the
3 district.

4 Sec. 3884.058. CONFLICTS OF INTEREST. (a) A director,
5 including a director who qualifies under Section 3884.053(a)(2),
6 (3), (4), or (5), may participate in all board votes and decisions
7 if the director complies with the requirements of Subsection (b).

8 (b) A director shall comply with Section 171.004, Local
9 Government Code, including the disclosure and abstention
10 requirements of that section. A director must file a copy of the
11 director's disclosure affidavit required by Section 171.004, Local
12 Government Code, with the city's secretary before participating in
13 a board discussion or vote.

14 Sec. 3884.059. INITIAL DIRECTORS. (a) The initial board
15 consists of the following directors:

16 (1) Place 1: a director who qualifies under Section
17 3884.053(a)(2), (3), (4), or (5), appointed by the governing body
18 of the city;

19 (2) Place 2: a director who qualifies under Section
20 3884.053(a)(2), (3), (4), or (5), appointed by the governing body
21 of the city;

22 (3) Place 3: a director who qualifies under Section
23 3884.053(a)(2), (3), (4), or (5), appointed by the governing body
24 of the city;

25 (4) Place 4: a director who qualifies under Section
26 3884.053(a)(2), (3), (4), or (5), appointed by the governing body
27 of the city;

1 (5) Place 5: a director who qualifies under Section
2 3884.053(a)(1), appointed by the governing body of the city;

3 (6) Place 6: a director who qualifies under Section
4 3884.053(a)(1), appointed by the governing body of the city;

5 (7) Place 7: a City of Dallas assistant city manager,
6 appointed by the Dallas city manager;

7 (8) Place 8: the City of Dallas chief financial
8 officer; and

9 (9) Place 9: the director of the City of Dallas
10 Office of Economic Development.

11 (b) Of the initial directors, the terms of directors
12 appointed for places 1, 2, 3, and 4 expire July 1, 2011, and the
13 terms of directors appointed for places 5, 6, 7, 8, and 9 expire
14 July 1, 2013.

15 (c) This section expires September 1, 2013.

16 [Sections 3884.060-3884.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 3884.101. GENERAL POWERS AND DUTIES. The district has
19 the powers and duties provided by this chapter and by:

20 (1) the general laws relating to conservation and
21 reclamation districts created under Section 59, Article XVI, Texas
22 Constitution, including Chapters 49 and 54, Water Code;

23 (2) Chapter 441, Transportation Code, except that:

24 (A) the district may exercise any power granted
25 by this chapter without regard to any provision or requirement of or
26 procedure prescribed by Chapter 441, Transportation Code; and

27 (B) the district may not build or operate a toll

1 road;

2 (3) Subchapter A, Chapter 372, Local Government Code,
3 in the same manner as a municipality or a county;

4 (4) Chapter 1371, Government Code;

5 (5) Chapter 375, Local Government Code; and

6 (6) Chapter 311, Tax Code.

7 Sec. 3884.102. IMPROVEMENT PROJECTS. (a) The district may
8 provide, or it may enter into contracts with a governmental or
9 private entity to provide, the following types of improvement
10 projects located in the district or activities in support of or
11 incidental to those projects:

12 (1) a supply and distribution facility or system to
13 provide potable and nonpotable water to the residents and
14 businesses of the district, including a wastewater collection
15 facility;

16 (2) a paved, macadamized, or graveled road or street,
17 inside and outside the district, to the full extent authorized by
18 Section 52, Article III, Texas Constitution;

19 (3) the planning, design, construction, improvement,
20 and maintenance of:

21 (A) landscaping;

22 (B) highway right-of-way or transit corridor
23 beautification and improvement;

24 (C) lighting, banners, and signs;

25 (D) a street or sidewalk;

26 (E) a hiking and cycling path or trail;

27 (F) a pedestrian walkway, skywalk, crosswalk, or

1 tunnel;
2 (G) a park, lake, garden, recreational facility,
3 community activities center, dock, wharf, sports facility, open
4 space, scenic area, or related exhibit or preserve;
5 (H) a fountain, plaza, or pedestrian mall; or
6 (I) a drainage or storm-water detention
7 improvement;
8 (4) protection and improvement of the quality of storm
9 water that flows through the district;
10 (5) the planning, design, construction, improvement,
11 maintenance, and operation of:
12 (A) a water or sewer facility; or
13 (B) an off-street parking facility or heliport;
14 (6) the planning and acquisition of:
15 (A) public art and sculpture and related exhibits
16 and facilities; or
17 (B) an educational facility, and a cultural
18 exhibit or facility;
19 (7) the planning, design, construction, acquisition,
20 lease, rental, improvement, maintenance, installation, and
21 management of and provision of furnishings for a facility for:
22 (A) a conference, convention, or exhibition;
23 (B) a manufacturer, consumer, or trade show;
24 (C) a civic, community, or institutional event;
25 or
26 (D) an exhibit, display, attraction, special
27 event, or seasonal or cultural celebration or holiday;

1 (8) the removal, razing, demolition, or clearing of
2 land or improvements in connection with improvement projects;

3 (9) the acquisition and improvement of land or other
4 property for the mitigation of the environmental effects of an
5 improvement project if those costs are incurred in accordance with
6 a development agreement and reimbursement of those costs is
7 conditioned on the completion of substantial vertical development,
8 or the costs are related to a transit or mobility project;

9 (10) the acquisition of property or an interest in
10 property in connection with one or more authorized improvement
11 projects, including a project authorized by Subchapter A, Chapter
12 372, Local Government Code;

13 (11) a special or supplemental service for the
14 improvement and promotion of the district or an area adjacent to the
15 district or for the protection of public health and safety in or
16 adjacent to the district, including:

17 (A) advertising;

18 (B) promotion;

19 (C) tourism;

20 (D) health and sanitation;

21 (E) public safety;

22 (F) security;

23 (G) fire protection or emergency medical
24 services;

25 (H) business recruitment;

26 (I) elimination of traffic congestion, including
27 by use of rail services;

1 (J) recreational, educational, or cultural
2 improvements, enhancements, and services; and

3 (K) creation and financing of a higher education
4 scholarship fund for students attending Mountain View College or
5 the University of North Texas (Dallas Campus); or

6 (12) any similar public improvement, facility, or
7 service.

8 (b) The district may not undertake an improvement project
9 under this section unless the board determines the project to be
10 necessary to accomplish a public purpose of the district and has
11 received the approval of the city under Section 3884.160.

12 (c) An improvement project must comply with any applicable
13 codes and ordinances of the city.

14 (d) The district may not provide, conduct, or authorize an
15 improvement project on the city streets, highways, rights-of-way,
16 or easements without the consent of the governing body of the city.

17 (e) Subject to an agreement between the district and the
18 city, the city may:

19 (1) by ordinance, order, or resolution require that
20 title to all or any portion of an improvement project vest in the
21 city; or

22 (2) unless prohibited by Subsection (h), by ordinance,
23 order, resolution, or other directive, authorize the district to
24 own, encumber, maintain, and operate an improvement project,
25 subject to the right of the city to order a conveyance of the
26 improvement project to the city on a date determined by the city.

27 (f) The district shall immediately comply with any city

1 ordinance, order, or resolution adopted under Subsection (e).

2 (g) For the purposes of this section, planning, design,
3 construction, improvement, and maintenance of a lake includes work
4 done for drainage, reclamation, or recreation.

5 (h) Waterworks and sanitary sewer improvements may be
6 undertaken by the district inside or outside the boundaries of the
7 district, subject to the following conditions:

8 (1) the city shall request that waterworks or sanitary
9 sewer improvements be funded by the district;

10 (2) the city shall construct, own, operate, and
11 maintain the improvements; and

12 (3) the district shall comply with Sections 3884.152,
13 3884.157, and 3884.160 as a condition for the district to fund the
14 improvements.

15 Sec. 3884.103. GENERAL POWERS REGARDING CONTRACTS. (a)
16 The district may:

17 (1) contract with any person to accomplish any
18 district purpose, including a contract for:

19 (A) the payment, repayment, or reimbursement of
20 costs incurred by that person on behalf of the district, including
21 all or part of the costs of any improvement project and interest on
22 the reimbursed cost; or

23 (B) the use, occupancy, lease, rental,
24 operation, maintenance, or management of all or part of a proposed
25 or existing improvement project; and

26 (2) apply for and contract with any person to receive,
27 administer, and perform a duty or obligation of the district under a

1 federal, state, local, or private gift, grant, loan, conveyance,
2 transfer, bequest, or other financial assistance arrangement
3 relating to the investigation, planning, analysis, study, design,
4 acquisition, construction, improvement, completion,
5 implementation, or operation by the district or others of a
6 proposed or existing improvement project.

7 (b) A contract the district enters into to carry out a
8 purpose of this chapter may be on any terms and for any period the
9 board determines, including a negotiable or nonnegotiable note or
10 warrant payable to the city, Dallas County, or any other person.

11 (c) Any person may contract with the district to carry out
12 the purposes of this chapter without further statutory or other
13 authorization.

14 (d) The district must follow Resolution 08-2826, adopted by
15 the city on October 22, 2008, for construction, procurement, and
16 professional services contracts related to the use of historically
17 underutilized businesses and minority contracting in the
18 implementation of its district plan.

19 Sec. 3884.104. RULES; ENFORCEMENT. (a) The district may
20 adopt rules:

21 (1) to administer or operate the district;

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

25 (3) to provide for public safety and security in the
26 district.

27 (b) The district may enforce its rules by injunctive relief.

1 (c) To the extent a district rule conflicts with a city
2 rule, order, or regulation, the city rule, order, or regulation
3 controls.

4 (d) The district shall provide the city with written notice
5 not later than the 30th day before the date of a meeting at which the
6 board will adopt rules. The district may not adopt a rule affecting
7 the use of a municipally owned asset, such as a public park, street,
8 sidewalk, transit facility, or public right-of-way, unless the
9 governing body of the city has approved the rule by ordinance,
10 order, or resolution.

11 Sec. 3884.105. NAME CHANGE. The board by resolution may
12 change the district's name. The board shall give written notice of
13 the change to the city.

14 Sec. 3884.106. ADDING OR REMOVING TERRITORY. The board may
15 add or remove territory under Subchapter J, Chapter 49, Water Code,
16 and Section 54.016, Water Code, except that:

17 (1) the addition or removal of the territory must be
18 approved by:

19 (A) the governing body of the city by ordinance,
20 order, or resolution; and

21 (B) the owners of the territory being added or
22 removed;

23 (2) a reference to a tax in Subchapter J, Chapter 49,
24 Water Code, or Section 54.016, Water Code, means an ad valorem tax;
25 and

26 (3) territory may not be removed from the district if
27 bonds or other obligations of the district payable wholly or partly

1 from ad valorem taxes or assessments imposed or assessed on the
2 territory are outstanding.

3 Sec. 3884.107. ECONOMIC DEVELOPMENT. (a) The district may
4 create economic development and other programs under Section 52-a,
5 Article III, Texas Constitution, and may impose and collect ad
6 valorem taxes for those purposes. The district has the economic
7 development powers that Chapter 380, Local Government Code,
8 provides to a municipality with a population of more than 100,000.
9 Each economic development program and each project that will
10 receive public funds under an economic development program must be
11 approved by the governing body of the city by ordinance, order, or
12 resolution.

13 (b) The district shall provide the city written notice not
14 later than the 30th day before the date of a meeting at which the
15 board will adopt terms of an economic development program. The
16 district may not adopt an economic development program or
17 improvement project to be funded under an economic development
18 program unless the governing body of the city has approved the
19 program or improvement project by ordinance, order, or resolution.

20 Sec. 3884.108. NO EMINENT DOMAIN POWER. The district may
21 not exercise the power of eminent domain.

22 Sec. 3884.109. TERMS OF EMPLOYMENT; COMPENSATION. The
23 board may employ and establish the terms of employment and
24 compensation of an executive director or general manager and any
25 other district employees the board considers necessary. An
26 employee may not receive annual compensation of more than \$150,000
27 from public funds of the district.

1 Sec. 3884.110. NOTICE TO PROPERTY OWNERS. (a) The board
2 shall annually provide owners of real property in the district
3 written notice that specifies the tax of the district for the
4 district's next fiscal year in sufficient clarity to describe the
5 tax rate for the operation and maintenance of the district and the
6 tax rate for the payment of debt service of obligations issued or
7 incurred by the district. The written notice must be sent by first
8 class United States mail, postage prepaid, to the current address
9 of the property owner as reflected on the tax rolls of the appraisal
10 district.

11 (b) The notice must clearly state that the tax rates on real
12 property imposed in the district are in addition to the ad valorem
13 taxes imposed by other taxing units that tax real property in the
14 boundaries of the district.

15 (c) The district shall generate and implement a program to
16 provide notification to a prospective purchaser of property in the
17 district of the rates of tax and assessments that have been approved
18 and are imposed by the district.

19 [Sections 3884.111-3884.150 reserved for expansion]

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. 3884.151. GENERAL POWERS REGARDING FINANCIAL MATTERS.

22 (a) Except as provided by Section 3884.160, the district may:

23 (1) impose an ad valorem tax on all taxable industrial
24 and commercial property in the district to pay for any improvement
25 projects of the types authorized by Section 52(b), Article III, and
26 Section 59, Article XVI, Texas Constitution, and to secure the
27 payment of bonds issued for those purposes;

1 (2) impose an assessment on property in the district
2 to pay the cost of any authorized improvement project and the cost
3 of the maintenance of the project in the manner provided for:

4 (A) a district under Subchapters A, E, and F,
5 Chapter 375, Local Government Code; or

6 (B) a municipality or county under Subchapter A,
7 Chapter 372, Local Government Code;

8 (3) provide or secure the payment or repayment of any
9 bond, note, or other temporary or permanent obligation or
10 reimbursement or other contract with any person, the costs and
11 expenses of the establishment, administration, and operation of the
12 district, and the district's costs or share of the costs or revenue
13 of an improvement project or district contractual obligation or
14 indebtedness by or through:

15 (A) the imposition of an ad valorem tax,
16 assessment, user fee, concession fee, or rental charge; and

17 (B) any other revenue or resources of the
18 district, or other revenue authorized by the city, including
19 revenue from a tax increment reinvestment zone created by the city
20 under applicable law;

21 (4) establish user charges related to the operation of
22 storm-water facilities, including the regulation of storm water for
23 the protection of water quality in the district;

24 (5) establish user charges for the use of nonpotable
25 water for irrigation purposes, subject to the approval of the
26 governing body of the city;

27 (6) undertake separately or jointly with other

1 persons, including the city or Dallas County, all or part of the
2 cost of any improvement project, including an improvement project:

3 (A) for improving, enhancing, and supporting
4 public safety and security, fire protection and emergency medical
5 services, and law enforcement in and adjacent to the district; or

6 (B) that confers a general benefit on the entire
7 district or a special benefit on a definable part of the district;
8 and

9 (7) enter into a tax abatement agreement in accordance
10 with the general laws of this state authorizing and applicable to
11 tax abatement agreements by municipalities.

12 (b) The district may not impose an ad valorem tax to pay for
13 an improvement project under this chapter unless the imposition is
14 approved by the voters of the district voting at an election held
15 for that purpose. The board may call an election to approve the
16 imposition of an ad valorem tax to pay for an improvement project
17 under this chapter only if the board receives a petition requesting
18 the election signed by:

19 (1) at least 65 percent of the record owners of real
20 property in the district subject to taxation; or

21 (2) owners representing at least 65 percent of the
22 appraised value of real property in the district subject to
23 taxation, as determined by the tax rolls of the appraisal district.

24 Sec. 3884.152. BORROWING MONEY. (a) The district may
25 borrow money for a district purpose by issuing or executing bonds,
26 notes, credit agreements, or other obligations of any kind found by
27 the board to be necessary or appropriate for any district purpose.

1 The bond, note, credit agreement, or other obligation may be
2 secured by and payable from ad valorem taxes, assessments, a
3 combination of ad valorem taxes and assessments, or other district
4 revenue. The governing body of the city must approve the issuance
5 of bonds, notes, credit agreements, or other obligations of the
6 district, in general terms before the preparation of preliminary
7 official statements or loan closing documents, as provided by the
8 development and operating agreement approved by the city in
9 accordance with Section 3884.160, or by separate action.

10 (b) The governing body of the city must approve the final
11 terms of the bond issuance, note, or credit facility, including the
12 principal amount, note amount, interest rate or rates, redemption
13 provisions, and other terms and conditions relating to the
14 issuance.

15 (c) The district shall file annual audited financial
16 statements with the city's secretary.

17 Sec. 3884.153. ASSESSMENTS; EXEMPTION. (a) The district
18 may impose an assessment on property in the district, including an
19 assessment on commercial, industrial, or office property, only in
20 the manner provided by Subchapter A, Chapter 372, Local Government
21 Code, or Subchapter F, Chapter 375, Local Government Code, for a
22 municipality, county, or public improvement district, according to
23 the benefit received by the property.

24 (b) An assessment on property must be for the limited
25 purpose of providing capital funding for:

26 (1) public water and wastewater facilities;

27 (2) drainage and storm-water facilities;

1 (3) streets and alleys; and

2 (4) any authorized purpose under Chapter 372, Local
3 Government Code.

4 (c) An assessment, a reassessment, or an assessment
5 resulting from an addition to or correction of the assessment roll
6 by the district, penalties and interest on an assessment or
7 reassessment, an expense of collection, and reasonable attorney's
8 fees incurred by the district:

9 (1) are a first and prior lien against the property
10 assessed; and

11 (2) are superior to any other lien or claim other than
12 a lien or claim for county, school district, or municipal ad valorem
13 taxes.

14 (d) A lien of an assessment against property under this
15 chapter runs with the land, and the portion of an assessment payment
16 obligation that has not yet come due is not eliminated by the
17 foreclosure of an ad valorem tax lien. Any purchaser of property in
18 a foreclosure of an ad valorem tax lien takes the property subject
19 to the assessment payment obligations that have not yet come due and
20 to the lien and terms of payment under the applicable assessment
21 ordinance or order.

22 (e) The board may make a correction to or deletion from the
23 assessment roll that does not increase the amount of assessment of
24 any parcel of land without providing notice and holding a hearing in
25 the manner required for additional assessments.

26 (f) The district shall file notice of any tax or assessment
27 imposed by the district with the county clerk of Dallas County and

1 post the notice on the district's Internet website.

2 Sec. 3884.154. RESIDENTIAL PROPERTY EXEMPT. The district
3 may not impose taxes, assessments, fees, or any other requirement
4 for payment, construction, alteration, or dedication on
5 single-family detached residential property, residential
6 condominiums, duplexes, triplexes, and quadruplexes.

7 Sec. 3884.155. MAINTENANCE AND OPERATION TAX; ELECTION.

8 (a) The district may impose a tax for maintenance and operation
9 purposes, including for:

10 (1) planning, constructing, acquiring, maintaining,
11 repairing, and operating all improvement projects, including land,
12 plants, works, facilities, improvements, appliances, and equipment
13 of the district; and

14 (2) paying costs of services, engineering and legal
15 fees, and organization and administrative expenses, including
16 expenses of the city payable under the terms of the project
17 development agreement described by Section 3884.160.

18 (b) The district may not impose a maintenance and operation
19 tax for improvement projects under this chapter unless the
20 imposition of the tax is approved by the voters of the district
21 voting at an election held for that purpose. An election may be
22 called only on receipt of a petition as provided by Section
23 3884.151(b).

24 (c) A maintenance and operation tax election may be held at
25 the same time and in conjunction with any other district election.
26 The election may be called by a separate election order or as part
27 of any other election order.

1 Sec. 3884.156. USE OF SURPLUS MAINTENANCE AND OPERATION
2 MONEY. If the district has surplus maintenance and operation tax
3 money that is not needed for the purposes for which it was
4 collected, the money may be used for any authorized purpose.

5 Sec. 3884.157. BONDS AND OTHER OBLIGATIONS. (a) Subject to
6 the requirements of Sections 3884.159 and 3884.160, the district
7 may issue by public or private sale bonds, notes, or other
8 obligations payable wholly or partly from ad valorem taxes, or by
9 assessments in the manner provided by Subchapter A, Chapter 372,
10 Local Government Code, or Subchapter J, Chapter 375, Local
11 Government Code.

12 (b) In exercising the district's borrowing power, the
13 district may issue a bond or other obligation in the form of a bond,
14 note, certificate of participation or other instrument evidencing a
15 proportionate interest in payments to be made by the district, or
16 any other type of obligation.

17 (c) In addition to the sources of money described by
18 Subchapter A, Chapter 372, Local Government Code, and Subchapter J,
19 Chapter 375, Local Government Code, district bonds may be secured
20 and made payable wholly or partly by a pledge of any part of the
21 money the district receives from system or improvement project
22 revenue or from any other source.

23 Sec. 3884.158. BOND MATURITY. Bonds may mature not more
24 than 40 years from their date of issue.

25 Sec. 3884.159. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
26 the time bonds or other obligations payable wholly or partly from ad
27 valorem taxes are issued:

1 (1) the board shall impose a continuing direct annual
2 ad valorem tax for each year that all or part of the bonds are
3 outstanding; and

4 (2) the district annually shall impose an ad valorem
5 tax on all taxable property in the district in an amount sufficient
6 to:

7 (A) pay the interest on the bonds or other
8 obligations as the interest becomes due; and

9 (B) create a sinking fund for the payment of the
10 principal of the bonds or other obligations when due or the
11 redemption price at any earlier required redemption date.

12 Sec. 3884.160. DEVELOPMENT AND OPERATING AGREEMENT
13 REQUIRED. (a) After the district's board is organized, but before
14 the district may undertake any improvement project, issue bonds,
15 impose taxes, levy assessments or fees, or borrow money, the
16 district and the city must negotiate and execute a mutually
17 approved and accepted development and operating agreement,
18 including any limitations imposed by the city, regarding the plans
19 and rules for:

20 (1) the exercise of the powers granted to the district
21 under this chapter, including the organization, development, and
22 operation of the district;

23 (2) the selection and description of improvement
24 projects that may be undertaken and financed by the district and the
25 ownership, operation, and maintenance of those projects;

26 (3) the terms, conditions, methods, means, and amounts
27 of financing authorized by this chapter that the district may use in

1 providing improvement projects; and

2 (4) the amounts, methods, and times of reimbursement
3 to the city for costs and expenses, if any, incurred by the city
4 with respect to the development and operation of the district and
5 the financing of improvement projects by the district.

6 (b) An agreement authorized by this section is not effective
7 until its terms and execution are approved by the board and the
8 governing body of the city by resolution.

9 [Sections 3884.161-3884.250 reserved for expansion]

10 SUBCHAPTER E. DISSOLUTION

11 Sec. 3884.251. DISSOLUTION BY CITY ORDINANCE. (a) The city
12 by ordinance may dissolve the district.

13 (b) The city may not dissolve the district until the
14 district's outstanding indebtedness or contractual obligations
15 that are payable from ad valorem taxes have been repaid or
16 discharged, or the city has affirmatively assumed the obligation to
17 pay the outstanding indebtedness from the city's lawfully available
18 revenue.

19 (c) The city may not dissolve the district until the
20 agreement under Section 3884.160 has been executed and the
21 district's performance under the agreement has been fulfilled,
22 including any right or obligation the district has to reimburse a
23 developer or owner for the costs of improvement projects.

24 Sec. 3884.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

25 (a) If the dissolved district has bonds or other obligations
26 outstanding secured by and payable from assessments or other
27 revenue, other than ad valorem taxes, the city shall succeed to the

1 rights and obligations of the district regarding enforcement and
2 collection of the assessments or other revenue.

3 (b) The city shall have and exercise all district powers to
4 enforce and collect the assessments or other revenue to pay:

5 (1) the bonds or other obligations when due and
6 payable according to their terms; or

7 (2) special revenue or assessment bonds or other
8 obligations issued by the city to refund the outstanding bonds or
9 obligations.

10 Sec. 3884.253. CONCURRENCE ON ADDITIONAL POWERS. If the
11 legislature grants the district a power that is in addition to the
12 powers approved by the initial resolution of the governing body of
13 the city consenting to the creation of the district, the district
14 may not exercise that power unless the governing body of the city
15 consents to that change by resolution.

16 Sec. 3884.254. ASSUMPTION OF ASSETS AND LIABILITIES. (a)
17 After the city dissolves the district, the city assumes, subject to
18 the appropriation and availability of funds, the obligations of the
19 district, including any bonds or other indebtedness payable from
20 assessments or other district revenue.

21 (b) If the city dissolves the district, the board shall
22 transfer ownership of all district property to the city.

23 SECTION 2. The district shall include the following land,
24 described by metes and bounds as follows:

25 (a) A 455.938 acre tract of land situated in the Anson
26 McCracken Survey Abstract No. 868, I N Coombs Survey Abstract No.
27 288, J E Helms Survey Abstract No. 605, T V Griffin Survey Abstract

1 No. 511, James Wetsell Survey Abstract No. 1541, Williams Myers
2 Survey Abstract No. 880, Ellis C. Thomas Survey Abstract No. 1465,
3 John B. Robinson Survey Abstract No. 1215, J L Leonard Survey
4 Abstract No. 770, Aaron Overton Survey Abstract No. 1101, G S C
5 Leonard Survey Abstract No. 780, Elizabeth Robertson Survey
6 Abstract No. 1211, City of Dallas, Dallas County, Texas and being
7 more particularly described by metes and bounds as follows:

8 BEGINNING at a point in the South right-of way (Variable width) line
9 of Davis Street and the intersection of the East Right-of-Way
10 (Variable Width) Line of Zang Boulevard situated in the J L Leonard
11 Survey Abstract No. 770 at the Southeast corner of said Zang
12 Boulevard and Davis Street, and being in the Northeast corner of a
13 tract of land conveyed to Banjo Ventures LTD by deed recorded in
14 Volume 2002129, Page 2902, Deed Records of Dallas County, Texas;

15 THENCE with the East and South line of said Zang Boulevard the
16 following courses:

17 North 00 Degrees 35 Minutes 50 Seconds West, 1075.73 feet to
18 an angle point;

19 North 02 Degrees 12 Minutes 01 Seconds West, 741.88 feet to an
20 angle point;

21 North 08 Degrees 08 Minutes 12 Seconds East, 90.43 feet to an
22 angle point;

23 North 20 Degrees 57 Minutes 34 Seconds East, 100.26 feet to an
24 angle point;

25 North 31 Degrees 48 Minutes 06 Seconds East, 568.78 feet with
26 a curve to the right having a radius 247.97 feet, a central angle of
27 39 Degrees 20 Minutes 53 Seconds, a Chord bearing North 30 Degrees

1 29 Minutes 12 Seconds East and distance of 166.97;
2 North 44 Degrees 04 Minutes 46 Seconds East, 1163.59 feet to
3 an angle point;
4 North 44 Degrees 32 Minutes 08 Seconds East, 715.94 feet to an
5 angle point;
6 THENCE leaving south line of Zang Boulevard, North 34 Degrees 53
7 Minutes 57 Seconds West, 135.44 feet to the intersection of the
8 Northeast line of Zang Boulevard and the North line of Oakenwald
9 Street (60' Right-of-way), with the curving North right-of-way;
10 THENCE with the North line of said Oakenwald Street with the curve
11 to the left having a radius of 157.90, a central angle of 40 Degrees
12 51 Minutes 35 Seconds, a Chord bearing North 73 Degrees 25 Minutes
13 28 Seconds West and distance of 110.23;
14 THENCE North 89 Degrees 43 Minutes 16 Seconds, 405.43 feet to the
15 intersection of said North line of Oakenwald Street and the East
16 line of Plowman Avenue (70'Right-of-Way);
17 THENCE leaving north line of Oakenwald Street, North No Degrees 15
18 Minutes 34 Seconds, 618.61 feet;
19 THENCE North 33 Degrees 51 Minutes 20 Seconds, 42.72 feet to a 1/2
20 Inch Iron Rod Found with a yellow cap stamped "RPLS 5310" the
21 Northeast corner of said Plowman Avenue and Tilden Street (60'
22 Right-of-Way) and also being the southeast corner of a tract of land
23 conveyed to Trinity Rivers Holdings LTD., a Texas Limited
24 Partnership Recorded in Instrument No. 200600023600, Deed Records,
25 Dallas County, Texas;
26 THENCE leaving north line of Tilden Street, North No Degrees 11
27 Minutes 51 Seconds East, 262.16 feet to a found 5/8 inch iron rod

1 with a yellow cap stamped "Bury & Partners";
2 THENCE North 89 Degrees 06 Minutes 18 Seconds West, 104.65 feet to a
3 found 1/2 inch iron rod;
4 THENCE North 01 Degrees 34 Minutes 30 Seconds West, 156.80 feet to a
5 found 1/2 inch iron rod;
6 THENCE South 89 Degrees 56 Minutes 58 Seconds West, 307.85 feet to a
7 found 1/2 inch iron rod with a yellow plastic cap stamped "Bury &
8 Partners";
9 THENCE South 00 Degrees 07 Minutes 43 Seconds East, 420.26 feet to a
10 found 1/2 inch iron rod and being the in the North line of said
11 Tilden Street;
12 THENCE South 24 Degrees 18 Minutes 38 Seconds West, 56.91 feet to a
13 found 1/2 inch iron rod being in the South line of said Tilen Street
14 and the East line of Englewood Drive (60' Right-of-Way) and the
15 Northeast corner of Tract 3 of a tract of land conveyed to Plowman
16 Development LLC, a Delaware Limited Company, recorded in Instrument
17 No. 20070344751, Deed Records, Dallas County, Texas;
18 THENCE along the East line of said Englewood Drive, South, 100.00
19 feet;
20 THENCE leaving the East line of said Englewood Drive, South 89
21 Degrees 55 Minutes 00 Seconds East, 195.00 feet to the Southeast
22 corner of Tract 3 of said Plowman tract and being in the west line of
23 a 18' Alley;
24 THENCE leaving Said 18' Alley, South 89 Degrees 29 Minutes 25
25 Seconds East, 18.00 feet to a point in the East line of said 18'
26 Alley and also being a point in Tract 1 of said Plowman tract;
27 THENCE along 18' alley and said Tract 1 of the Plowman Tract, South,

1 50.80.00 feet;
2 THENCE leaving Said 18' Alley, North 86 Degrees 56 Minutes 19
3 Seconds West, 18.03 feet to a point in the West line of said 18'
4 Alley and also being a the Northeast corner in Tract 2 of said
5 Plowman tract;
6 THENCE North 89 Degrees 55 Minutes 00 Seconds West, 195.00 feet to
7 the Northwest corner of Tract 2 of said Plowman tract and in the
8 east line of said Englewood Drive;
9 THENCE along east line of said Englewood Drive, South, 50.00 feet to
10 the Southwest corner of tract 2 of the said Plowman tract;
11 THENCE leaving Said east line Englewood Drive, South 89 Degrees 55
12 Minutes 00 Seconds East, 195.00 feet to the Southeast Corner of
13 Tract 2 of the said Plowman Tract and in the west line of said 18'
14 alley;
15 THENCE South 89 Degrees 59 Minutes 38 Seconds East, 18.00 feet to
16 the Southwest corner of Tract 1 of the Plowman tract and in the east
17 line of said 18' alley;
18 THENCE leaving said 18' Alley, South 89 Degrees 55 Minutes 00
19 Seconds East, 185.00 feet to the Southeast corner of tract 1 of the
20 Plowman tract and in the west line of said Plowman Avenue;
21 THENCE South, 50.00 feet to the Northeast corner of tract 5 of the
22 Plowman tract and in the west line of said Plowman Avenue;
23 THENCE leaving said Plowman Avenue, North 89 Degrees 55 Minutes 00
24 Seconds West, 185.00 feet to the Northwest corner of tract 5 of the
25 Plowman tract and in the east line of said 18' alley;
26 THENCE South 19 Degrees 47 Minutes 58 Seconds West, 53.14 feet to
27 the Northeast corner of tract 4 of the Plowman tract and in the west

1 line of said 18' alley;
2 THENCE leaving said 18' Alley, North 89 Degrees 55 Minutes 00
3 Seconds West, 195.00 feet to the Northwest corner of tract 4 of the
4 Plowman tract and in the east line of said Englewood Drive;
5 THENCE South, 250.00 feet to the Southwest corner of tract 4 of the
6 Plowman tract and in the east line of said Englewood Drive;
7 THENCE South 89 Degrees 55 Minutes 00 Seconds East, 195.00 feet to
8 the Southeast corner of tract 4 of the Plowman tract and in the west
9 line of said 18' alley;
10 THENCE North 19 Degrees 47 Minutes 56 Seconds East, 53.14 feet to
11 the Southwest corner of tract 5 of the Plowman tract and in the east
12 line of said 18' alley;
13 THENCE South 89 Degrees 55 Minutes 00 Seconds East, 185.00 feet to
14 the Southeast corner of tract 5 of the Plowman tract and in the east
15 line of said Plowman Avenue;
16 THENCE with the West line of said Plowman Avenue the following
17 courses:
18 South 00 Degrees 22 Minutes 14 Seconds East, 289.77 feet to an
19 angle point;
20 South, 108.11 feet;
21 South, 283.82 feet to an angle point;
22 South 05 Degrees 24 Minutes 40 Seconds East, 48.35 feet to a
23 point in the North line of Zang Boulevard and the west line of
24 Plowman Avenue;
25 THENCE with the North and west line of said Zang Boulevard the
26 following courses:
27 South 43 Degrees 03 Minutes 07 Seconds West, 1078.83 feet to

1 an angle point;
2 South 28 Degrees 13 Minutes 01 Seconds West, 172.22 feet to an
3 angle point;
4 South 30 Degrees 40 Minutes 23 Seconds West, 582.39 feet to an
5 angle point;
6 South 22 Degrees 53 Minutes 29 Seconds West, 111.38 feet to an
7 angle point;
8 South 07 Degrees 19 Minutes 41 Seconds West, 111.38 feet to an
9 angle point;
10 South No Degrees 34 Minutes 06 Seconds East, 887.69 feet to an
11 angle point;
12 South No Degrees 00 Minutes 52 Seconds East, 878.19 feet to a
13 point in the West line of Zang Boulevard and the North line of said
14 Davis Street;
15 THENCE with the North line of said Davis Street the following
16 courses:
17 South 89 Degrees 15 Minutes 55 Seconds West, 745.11 feet to an
18 angle point;
19 South 87 Degrees 42 Minutes 20 Seconds West, 420.25 feet to an
20 angle point;
21 South 89 Degrees 42 Minutes 15 Seconds West, 1062.54 feet to a
22 point in the North line of said Davis Street and the East line of
23 said Cedar Hill Avenue;
24 THENCE with the East line of said Cedar Hill Avenue the following
25 courses:
26 North No Degrees 11 Minutes 59 Seconds West, 1521.20 feet to
27 an angle point;

1 North No Degrees 59 Minutes 20 Seconds West, 46.04 feet to a
2 point in the East line of said Cedar Hill Avenue and the North line
3 of Sixth Street (60' Right-of-way);
4 THENCE South 89 Degrees 47 Minutes 13 Seconds West, 55.75 feet to a
5 point in the east line of said Cedar Hill Avenue and a point in the
6 East Line of Tract 5 of a tract of land conveyed to SPCO Development
7 LLC by deed recorded in Instrument No. 20070228027, Official Public
8 Records Records, Dallas County, Texas;
9 THENCE North No Degrees 12 Minutes 47 Seconds West, 188.44 feet a
10 point in the South line of West Fifth Street (60' Right-of-way) and
11 the West line of Cedar Hill Avenue (60' Right-of-Way) and the
12 Northeast corner of Tract 1 of a tract of land conveyed to SPCO
13 Development LLC, by deed recorded in Instrument No. 20080223657,
14 Official Public Records, Dallas County, Texas;
15 THENCE North 89 Degrees 57 Minutes 46 Seconds West, 129.61 feet to
16 the Northwest corner of Tract 1 of said SPCO tract and the South
17 line of said West Fifth Street (60' Right-of-Way);
18 THENCE departing said South line of West Fifth Street, North No
19 Degrees 02 Minutes 14 Seconds West, 65.33 feet to the Southwest
20 corner of Tract 1 of said SPCO tract;
21 THENCE North 89 Degrees 57 Minutes 46 Seconds West, 60.00 feet to
22 the Northeast corner of Tract 4 of a tract of land conveyed to SPCO
23 Development LLC, by deed recorded in Instrument No. 20080111729,
24 Official Public Records, Dallas County, Texas;
25 THENCE South No Degrees 02 Minutes 14 Seconds West, 54.67 feet to
26 the Southwest corner of Tract 4 of said SPCO tract;
27 THENCE along the north line of tract 5 of said SPCO tract, North 89

1 Degrees 57 Minutes 46 Seconds West, 55.00 feet to the Southeast
2 corner of Tract 2 of a tract of land conveyed to SPCO Development
3 LLC, by deed recorded in Instrument No. 20080111729, Official
4 Public Records, Dallas County, Texas;
5 THENCE North No Degrees 02 Minutes 14 Seconds East, 120.00 feet to
6 the Northeast corner of Tract 2 of a said SPCO tract and also being
7 in the south line of said West Fifth Street;
8 THENCE North 89 Degrees 57 Minutes 46 Seconds West, 55.00 feet to
9 the Northwest corner of Tract 2 of a said SPCO tract and also being
10 in the south line of said West Fifth Street;
11 THENCE North No Degrees 02 Minutes 14 Seconds West, 120.00 feet to
12 the Southwest corner of Tract 2 of a said SPCO tract;
13 THENCE Along the North line of said Tract 5 of said SPCO tract,
14 North 89 Degrees 57 Minutes 46 Seconds West, 55.00 feet to the
15 Southeast corner of Tract 3 of a tract of land conveyed to SPCO
16 Development LLC, by deed recorded in Instrument No. 20080111729,
17 Official Public Records, Dallas County, Texas;
18 THENCE North No Degrees 02 Minutes 14 Seconds East, 120.00 feet to
19 the Northeast corner of Tract 3 of a said SPCO tract and also being
20 in the South line of said West Fifth Street;
21 THENCE Along the South line of said West Fifth Street, North 89
22 Degrees 57 Minutes 46 Seconds West, 55.00 feet to the Northwest
23 corner of Tract 3 of a said SPCO tract;
24 THENCE North 89 Degrees 53 Minutes 05 Seconds West, 20.90 feet;
25 THENCE with the approximate meanders of Kidd Springs Park conveyed
26 to the City of Dallas, by deed recorded in Volume 2816, Page 452,
27 Deed Records, Dallas County, Texas the following Fourteen Courses:

- 1 1) North No Degrees 24 Minutes 42 Seconds West, 65.35 feet;
- 2 2) North 88 Degrees 58 Minutes 37 Seconds East, 441.02 feet;
- 3 3) North 05 Degrees 18 Minutes 52 Seconds West, 170.02 feet;
- 4 4) North, 173.23 feet;
- 5 5) South 88 Degrees 48 Minutes 02 Seconds West, 639.51 feet;
- 6 6) North 07 Degrees 21 Minutes 09 Seconds West, 49.22 feet;
- 7 7) South 59 Degrees 56 Minutes 12 Seconds West, 291.87 feet;
- 8 8) South 88 Degrees 18 Minutes 55 Seconds West, 291.15 feet;
- 9 9) South 02 Degrees 59 Minutes 29 Seconds East, 81.56 feet;
- 10 10) East, 15.75 feet;
- 11 11) South 00 Degrees 07 Minutes 38 Seconds East, 354.33
- 12 feet;
- 13 12) South 89 Degrees 23 Minutes 48 Seconds West, 589.79
- 14 feet;
- 15 13) South No Degrees 46 Minutes 53 Seconds East, 561.39
- 16 feet;
- 17 14) North 89 Degrees 30 Minutes 19 Seconds East, 1323.26
- 18 feet;
- 19 THENCE along the North line of Van Buren Street (44' Right-of-way),
- 20 North 58 Degrees 41 Minutes 43 Seconds East, 263.01 feet;
- 21 THENCE North 58 Degrees 25 Minutes 52 Seconds East, 209.66 feet to
- 22 the intersection of the North line of said Van Buren Street and the
- 23 West Line of said Cedar Hill Avenue;
- 24 THENCE along the West line of said Cedar Hill Avenue, South 02
- 25 Degrees 11 Minutes 45 Seconds West, 142.60 feet;
- 26 THENCE South No Degrees 00 Minutes 31 Seconds West, 1161.24 feet to
- 27 the intersection of the West line of said Cedar Hill Avenue and the

1 North Line of said Davis Street;
2 THENCE with the North line of said Davis Street the following
3 courses:
4 South 89 Degrees 20 Minutes 07 Seconds West, 2124.66 feet to
5 an angle point;
6 South 88 Degrees 34 Minutes 14 Seconds West, 503.44 feet to an
7 angle point;
8 South 89 Degrees 33 Minutes 15 Seconds West, 2411.29 feet to
9 an angle point;
10 North 82 Degrees 18 Minutes 54 Seconds West, 73.20 feet to an
11 angle point;
12 North 89 Degrees 54 Minutes 37 Seconds West, 1247.94 feet to a
13 point in the North line of Davis Street and the East line of Stevens
14 Village;
15 THENCE North No Degrees 22 Minutes 49 Seconds West, 662.19 feet to
16 the intersection of the East line of said Stevens Village and the
17 South line of Stevens Forest Drive (Variable width Right-of-way);
18 THENCE along the South line of said Stevens Forest Drive, North 86
19 Degrees 35 Minutes 08 Seconds East, 223.45 feet;
20 THENCE North 78 Degrees 00 Minutes 43 Seconds East, 35.35 feet;
21 THENCE with the meanders of a tract of land conveyed to the Chateau
22 Crete Development, LLC, by deed recorded in Instrument No.
23 20070164416, Deed Records, Dallas County, Texas and a tract of land
24 conveyed to the Chateau Crete Development, LLC, by deed recorded in
25 Instrument No. 200600412556, Deed Records, Dallas County, Texas the
26 following Five Courses:
27 1) South No Degrees 36 Minutes 31 Seconds West, 56.45 feet;

1 2) South 28 Degrees 45 Minutes 19 Seconds East, 19.61 feet;
2 3) South 58 Degrees 07 Minutes 10 Seconds East, 82.21 feet;
3 4) South 88 Degrees 50 Minutes 44 Seconds East, 34.70 feet;
4 5) South 88 Degrees 38 Minutes 43 Seconds East, 891.76 feet;
5 THENCE South 88 Degrees 36 Minutes 42 Seconds East, 56.22 feet to a
6 point in the East line of Mary Cliff Road (50' Right-of-way);
7 THENCE with the East line of said Mary Cliff Road the following
8 courses:
9 North 02 Degrees 16 Minutes 12 Seconds West, 444.97 feet to an
10 angle point;
11 North 02 Degrees 00 Minutes 42 Seconds West, 43.51 feet to an
12 angle point;
13 North 01 Degrees 00 Minutes 57 Seconds East, 157.15 feet to an
14 angle point;
15 North 01 Degrees 05 Minutes 31 Seconds West, 169.81 feet to an
16 angle point;
17 North 04 Degrees 48 Minutes 26 Seconds West, 48.27 feet to an
18 angle point;
19 North 02 Degrees 27 Minutes 42 Seconds East, 206.22 feet;
20 THENCE with the meanders of the tracts of land described in the
21 following deeds: Kings Highway Development LLC recorded in
22 Instrument No. 20070101181 and Instrument No. 20070101182; River
23 District Holdings, LLC recorded in Instrument No. 20070325092,
24 Instrument No. 20080187473, Instrument No. 20080187464, Instrument
25 No. 2008187481, Instrument No. 2008187459, Instrument No.
26 20080317748, Instrument No. 20080187477, Deed Records, Dallas
27 County, Texas the following Twelve Courses:

- 1 1) North 88 Degrees 55 Minutes 36 Seconds East, 95.64 feet;
- 2 2) South No Degrees 42 Minutes 05 Seconds East, 187.63 feet;
- 3 3) North 88 Degrees 43 Minutes 09 Seconds East, 291.43 feet;
- 4 4) North No Degrees 42 Minutes 05 Seconds West, 137.97 feet;
- 5 5) South 88 Degrees 39 Minutes 17 Seconds West, 51.90 feet;
- 6 6) North No Degrees 05 Minutes 29 Seconds East, 49.90 feet;
- 7 7) North 88 Degrees 36 Minutes 56 Seconds East, 51.70 feet;
- 8 8) North No Degrees 05 Minutes 52 Seconds West, 89.63 feet;
- 9 9) North 89 Degrees 33 Minutes 13 Seconds East, 47.52 feet;
- 10 10) North No Degrees 09 Minutes 10 Seconds West, 99.79 feet;
- 11 11) South 89 Degrees 25 Minutes 38 Seconds West, 435.39
- 12 feet;
- 13 12) South 00 Degrees 14 Minutes 16 Seconds East, 59.81 feet;
- 14 THENCE North 86 Degrees 10 Minutes 19 Seconds West, 46.54 feet to a
- 15 point in the West line of said Mary Cliff Road;
- 16 THENCE with the West line of said Mary Cliff Road the following
- 17 courses:
- 18 South 01 Degrees 40 Minutes 15 Seconds West, 150.35 feet to an
- 19 angle point;
- 20 South 01 Degrees 00 Minutes 38 Seconds West, 29.28 feet to an
- 21 angle point;
- 22 South 00 Degrees 22 Minutes 47 Seconds West, 587.32 feet to an
- 23 angle point;
- 24 South 01 Degrees 57 Minutes 07 Seconds East, 215.51 feet to
- 25 the intersection of the west line of said Mary Cliff Road and the
- 26 North line said Stevens Forest Drive;
- 27 THENCE with the North line of said Stevens Forest Drive the

1 following courses:

2 South 88 Degrees 30 Minutes 48 Seconds West, 141.62 feet to an
3 angle point;

4 North 79 Degrees 28 Minutes 10 Seconds West, 40.21 feet to an
5 angle point;

6 South 89 Degrees 18 Minutes 22 Seconds West, 303.39 feet to an
7 angle point;

8 South 89 Degrees 44 Minutes 06 Seconds West, 198.57 feet to an
9 angle point;

10 North 86 Degrees 59 Minutes 23 Seconds East, 52.47 feet to the
11 beginning of a curve to the left having a radius 239.53 feet, a
12 central angle of 45 Degrees 09 Minutes 54 Seconds, a Chord bearing
13 South 77 Degrees 00 Minutes 57 Seconds East and distance of 183.97;

14 South 58 Degrees 00 Minutes 57 Seconds West, 33.39 feet to the
15 beginning of a curve to the right having a radius 252.72 feet, a
16 central angle of 24 Degrees 45 Minutes 51 Seconds, a Chord bearing
17 South 77 Degrees 20 Minutes 16 Seconds West and distance of 108.38;

18 South 86 Degrees 46 Minutes 16 Seconds West, 205.95 feet to
19 the intersection of the North line of said Stevens Forest Drive and
20 the East line said Stevens Village;

21 THENCE North 83 Degrees 30 Minutes 20 Seconds West, 34.91 feet;

22 THENCE with the meanders of the tracts of land described in the
23 following deeds: Acorn Tree Development LLC, deed recorded in
24 Instrument No. 20070067562 and Instrument No. 20070067734, Deed
25 Records, Dallas County, Texas the following Seven Courses:

26 1) North No Degrees 29 Minutes 12 Seconds West, 207.35 feet;

27 2) South 89 Degrees 31 Minutes 27 Seconds West, 348.85 feet;

- 1 3) South 00 Degrees 44 Minutes 25 Seconds East, 134.09 feet;
- 2 4) South 88 Degrees 44 Minutes 33 Seconds West, 25.00 feet;
- 3 5) South No Degrees 23 Minutes 28 Seconds East, 592.98 feet;
- 4 6) South 89 Degrees 40 Minutes 11 Seconds West, 240.21 feet;
- 5 7) South No Degrees 01 Minutes 25 Seconds West, 209.50 feet;

6 THENCE with the North line of said Davis Street the following
7 courses:

8 North 77 Degrees 39 Minutes 56 Seconds West, 56.81 feet to an
9 angle point;

10 South 88 Degrees 11 Minutes 52 Seconds West, 591.97 feet to an
11 angle point;

12 South 89 Degrees 10 Minutes 23 Seconds West, 430.85 feet to an
13 angle point;

14 South 75 Degrees 09 Minutes 11 Seconds West, 50.97 feet to an
15 angle point;

16 South 87 Degrees 38 Minutes 45 Seconds West, 441.78 feet to an
17 angle point;

18 North 89 Degrees 46 Minutes 55 Seconds West, 145.98 feet;

19 North 43 Degrees 59 Minutes 55 Seconds West, 17.09 feet;

20 THENCE with the meanders of the tracts of land described in the
21 following deeds: Plymouth Hills Development LLC, deed recorded in
22 Instrument No. 20080165209 and Instrument No. 20070447589 and
23 Instrument No. 20070447588, Deed Records, Dallas County, Texas the
24 following Eleven Courses:

25 1) North No Degrees 30 Minutes 57 Seconds West, 185.00 feet;

26 2) North 45 Degrees 24 Minutes 00 Seconds West, 21.26 feet;

27 3) South 89 Degrees 43 Minutes 00 Seconds West, 276.76 feet;

1 4) North 01 Degrees 39 Minutes 27 Seconds East, 277.76 feet;
2 5) North 89 Degrees 50 Minutes 00 Seconds East, 145.00 feet;
3 6) North 10 Degrees 16 Minutes 36 Seconds West, 268.16 feet;
4 7) North 46 Degrees 42 Minutes 49 Seconds West, 141.88 feet;
5 8) South 25 Degrees 50 Minutes 00 Seconds West, 201.50 feet;
6 9) South 55 Degrees 20 Minutes 00 Seconds West, 160.00 feet;
7 10) South 66 Degrees 50 Minutes 00 Seconds West, 90.00 feet;
8 11) South 38 Degrees 51 Minutes 44 Seconds West, 100.33 feet
9 to the beginning of a curve to the right having a radius 490.24
10 feet;
11 THENCE Along the East line of E. Plymouth Road (100' Right-of-way),
12 Continuing along said Curve to the right having a central angle of
13 47 Degrees 40 Minutes 50 Seconds, a Chord bearing North 14 Degrees
14 43 Minutes 29 Seconds East and distance of 396.30;
15 THENCE with the South and East line of said Plymouth Road Street the
16 following courses:
17 The beginning of a curve to the right having a radius 349.50
18 feet having a central angle of 25 Degrees 40 Minutes 56 Seconds, a
19 Chord bearing North 29 Degrees 47 Minutes 06 Seconds East and
20 distance of 155.35;
21 The beginning of a curve to the right having a radius 159.57
22 feet having a central angle of 41 Degrees 11 Minutes 44 Seconds, a
23 Chord bearing North 51 Degrees 34 Minutes 21 Seconds East and
24 distance of 112.27;
25 THENCE with the meanders of a tract of land conveyed to Brenda K.
26 Kennedy by deed recorded in Volume 83069, Page 1999, Deed Records,
27 Dallas County, Texas the following Two Courses:

1 South 87 Degrees 03 Minutes 55 Seconds East, 829.26 feet to an
2 angle point;

3 North 01 Degrees 28 Minutes 54 Seconds East, 358.36 feet to
4 the beginning of a curve to the left having a radius 242.44 feet;

5 THENCE Along the East line of said E. Plymouth Road, Continuing
6 along said Curve to the left having a central angle of 35 Degrees 24
7 Minutes 07 Seconds, a Chord bearing North 20 Degrees 41 Minutes 40
8 Seconds East and distance of 147.43;

9 THENCE North 01 Degrees 33 Minutes 04 Seconds East, 37.95 feet;

10 THENCE with the approximate meanders of Stevens Park Golf Course
11 Block 4/4734, Dallas County, Texas the following Fifty-three
12 Courses:

13 1) North 89 Degrees 31 Minutes 44 Seconds East, 496.22 feet;

14 2) North 61 Degrees 48 Minutes 44 Seconds East, 54.47 feet;

15 3) North 88 Degrees 46 Minutes 06 Seconds East, 606.42 feet;

16 4) North No Degrees 24 Minutes 48 Seconds West, 335.41 feet;

17 5) North 88 Degrees 54 Minutes 57 Seconds East, 63.72 feet;

18 6) North 88 Degrees 59 Minutes 33 Seconds East, 646.08 feet;

19 7) North No Degrees 16 Minutes 50 Seconds West, 329.12 feet;

20 8) North 89 Degrees 39 Minutes 26 Seconds East, 1282.85
21 feet;

22 9) South No Degrees 00 Minutes 15 Seconds East, 124.57 feet;

23 10) North 89 Degrees 35 Minutes 13 Seconds East, 521.79
24 feet;

25 11) North No Degrees 38 Minutes 16 Seconds West, 275.99 feet
26 to the beginning of a curve to the left having a radius 823.79 feet,
27 a central angle of 13 Degrees 08 Minutes 21 Seconds, a Chord bearing

1 North 14 Degrees 44 Minutes 58 Seconds West and distance of 188.50
2 to the beginning of a reverse curve to the right having a radius
3 773.31;

4 12) Continuing along said curve to the right having a
5 central angle of 13 Degrees 59 Minutes 45 Seconds, a Chord bearing
6 North 16 Degrees 07 Minutes 53 Seconds West and distance of 188.43;

7 13) North 66 Degrees 33 Minutes 20 Seconds West, 443.12
8 feet;

9 14) North No Degrees 37 Minutes 50 Seconds West, 393.46
10 feet;

11 15) North No Degrees 55 Minutes 50 Seconds West, 137.42 feet
12 to the beginning of a curve to the left having a radius 169.83 feet,
13 a central angle of 28 Degrees 59 Minutes 42 Seconds, a Chord bearing
14 North 17 Degrees 15 Minutes 43 Seconds West and distance of 85.03 to
15 the beginning of a non-tangent curve to the left having a radius
16 456.38;

17 16) Continuing along said curve to the left having a central
18 angle of 15 Degrees 46 Minutes 27 Seconds, a Chord bearing North 52
19 Degrees 32 Minutes 05 Seconds East and distance of 125.25;

20 17) North 39 Degrees 47 Minutes 11 Seconds East, 234.31 feet
21 to the beginning of a curve to the left having a radius 3690.76
22 feet, a central angle of 07 Degrees 42 Minutes 18 Seconds, a Chord
23 bearing North 33 Degrees 41 Minutes 20 Seconds East and distance of
24 495.95;

25 18) North 26 Degrees 31 Minutes 47 Seconds East, 405.73 feet
26 to the beginning of a non-tangent curve to the right having a radius
27 393.78 feet, a central angle of 60 Degrees 38 Minutes 56 Seconds, a

1 Chord bearing North 68 Degrees 38 Minutes 06 Seconds East and
2 distance of 397.63 to the beginning of a non-tangent curve to the
3 left having a radius 483.75;

4 19) Continuing along said curve to the left having a central
5 angle of 23 Degrees 24 Minutes 43 Seconds, a Chord bearing South 88
6 Degrees 28 Minutes 06 Seconds East and distance of 196.30 to the
7 beginning of a non-tangent curve to the left having a radius 437.44;

8 20) Continuing along said curve to the left having a central
9 angle of 39 Degrees 53 Minutes 22 Seconds, a Chord bearing North 78
10 Degrees 54 Minutes 57 Seconds East and distance of 298.43;

11 21) North 02 Degrees 59 Minutes 05 Seconds West, 33.20 feet;

12 22) North 02 Degrees 29 Minutes 58 Seconds East, 74.80 feet
13 to the beginning of a curve to the right having a radius 719.84
14 feet, a central angle of 23 Degrees 19 Minutes 27 Seconds, a Chord
15 bearing South 89 Degrees 33 Minutes 26 Seconds West and distance of
16 291.02 to the beginning of a curve to the left having a
17 radius 1083.08;

18 23) Continuing along said curve to the left having a central
19 angle of 13 Degrees 50 Minutes 07 Seconds, a Chord bearing North 79
20 Degrees 38 Minutes 36 Seconds West and distance of 260.90 to the
21 beginning of a curve to the right having a radius 2728.05;

22 24) Continuing along said curve to the right having a
23 central angle of 02 Degrees 56 Minutes 23 Seconds, a Chord bearing
24 South 88 Degrees 17 Minutes 07 Seconds West and distance of 139.95
25 to the beginning of a curve to the left having a radius 1058.70;

26 25) Continuing along said curve to the right having a
27 central angle of 22 Degrees 11 Minutes 52 Seconds, a Chord bearing

1 South 73 Degrees 40 Minutes 25 Seconds West and distance of 407.61
2 to the beginning of a curve to the right having a radius 1016.72;
3 26) Continuing along said curve to the right having a
4 central angle of 17 Degrees 58 Minutes 36 Seconds, a Chord bearing
5 South 69 Degrees 06 Minutes 41 Seconds West and distance of 317.69
6 feet;
7 27) South 85 Degrees 54 Minutes 50 Seconds West, 142.94
8 feet;
9 28) North 89 Degrees 58 Minutes 00 Seconds West, 708.79
10 feet;
11 29) South 25 Degrees 26 Minutes 24 Seconds East, 469.33
12 feet;
13 30) South 65 Degrees 09 Minutes 58 Seconds West, 162.83
14 feet;
15 31) South 06 Degrees 07 Minutes 12 Seconds East, 270.28
16 feet;
17 32) North 80 Degrees 00 Minutes 23 Seconds West, 76.20 feet
18 to the beginning of a curve to the right having a radius 98.50;
19 33) Continuing along said curve to the right having a
20 central angle of 90 Degrees 25 Minutes 33 Seconds, a Chord bearing
21 South 44 Degrees 55 Minutes 48 Seconds East and distance of 139.81
22 feet;
23 34) South 04 Degrees 26 Minutes 53 Seconds West, 89.91 feet
24 to the beginning of a curve to the left having a radius 54.42;
25 33) Continuing along said curve to the left having a central
26 angle of 111 Degrees 48 Minutes 11 Seconds, a Chord bearing South 80
27 Degrees 54 Minutes 58 Seconds West and distance of 90.13 feet to the

1 beginning of a curve to the right having a radius 1087.42;

2 34) Continuing along said curve to the left having a central
3 angle of 16 Degrees 23 Minutes 13 Seconds, a Chord bearing South 15
4 Degrees 42 Minutes 34 Seconds West and distance of 309.95 feet to
5 the beginning of a curve to the right having a radius 7590.69;

6 35) Continuing along said curve to the right having a
7 central angle of 01 Degrees 37 Minutes 54 Seconds, a Chord bearing
8 South 30 Degrees 47 Minutes 06 Seconds West and distance of 216.16
9 feet to the beginning of a curve to the right having a radius
10 3039.46;

11 36) Continuing along said curve to the right having a
12 central angle of 10 Degrees 13 Minutes 38 Seconds, a Chord bearing
13 South 46 Degrees 29 Minutes 58 Seconds West and distance of 541.83
14 feet to the beginning of a curve to the right having a radius
15 4853.43;

16 37) Continuing along said curve to the right having a
17 central angle of 04 Degrees 52 Minutes 43 Seconds, a Chord bearing
18 South 51 Degrees 16 Minutes 45 Seconds West and distance of 413.14
19 feet to the beginning of a curve to the right having a radius
20 2151.29;

21 38) Continuing along said curve to the left having a central
22 angle of 03 Degrees 46 Minutes 26 Seconds, a Chord bearing South 57
23 Degrees 04 Minutes 48 Seconds West and distance of 141.67 feet;

24 39) North 68 Degrees 00 Minutes 13 Seconds West, 72.79 feet
25 to the beginning of a curve to the left having a radius 84.50;

26 40) Continuing along said curve to the left having a central
27 angle of 99 Degrees 14 Minutes 00 Seconds, a Chord bearing North 11

1 Degrees 17 Minutes 19 Seconds East and distance of 128.73 feet;
2 41) North 34 Degrees 39 Minutes 37 Seconds West, 72.99 feet
3 to the beginning of a curve to the left having a radius 112.32;
4 40) Continuing along said curve to the left having a central
5 angle of 24 Degrees 37 Minutes 25 Seconds, a Chord bearing North 56
6 Degrees 53 Minutes 02 Seconds West and distance of 47.90 feet;
7 42) South 89 Degrees 13 Minutes 57 Seconds West, 713.06 feet
8 to the beginning of a curve to the left having a radius 60.99;
9 43) Continuing along said curve to the left having a central
10 angle of 77 Degrees 40 Minutes 54 Seconds, a Chord bearing South 39
11 Degrees 22 Minutes 26 Seconds West and distance of 76.51 feet;
12 44) North 87 Degrees 36 Minutes 44 Seconds West, 90.35 feet;
13 45) North No Degrees 34 Minutes 39 Seconds West, 390.42
14 feet;
15 46) West, 25.91 feet;
16 47) North No Degrees 14 Minutes 55 Seconds East, 553.78
17 feet;
18 48) North 89 Degrees 04 Minutes 04 Seconds West, 497.80
19 feet;
20 49) South No Degrees 51 Minutes 14 Seconds East, 544.32
21 feet;
22 50) South No Degrees 58 Minutes 56 Seconds East, 227.84
23 feet;
24 51) South No Degrees 55 Minutes 28 Seconds East, 364.47
25 feet;
26 52) South No Degrees 43 Minutes 36 Seconds East, 677.38
27 feet;

1 53) South 02 Degrees 16 Minutes 35 Seconds East, 146.30 feet
2 to the beginning of a curve to the left having a radius 486.86;
3 THENCE with the north and west line of Plymouth Road the following
4 eleven courses and distances:

5 1) Continuing along said curve to the left having a central
6 angle of 15 Degrees 55 Minutes 06 Seconds, a Chord bearing South 18
7 Degrees 17 Minutes 03 Seconds West and distance of 134.83 feet;

8 2) South 20 Degrees 04 Minutes 34 Seconds West, 150.05 feet
9 to the beginning of a curve to the right having a radius 433.59;

10 3) Continuing along said curve to the right having a central
11 angle of 76 Degrees 29 Minutes 19 Seconds, a Chord bearing South 49
12 Degrees 01 Minutes 54 Seconds West and distance of 536.80 feet;

13 4) North 89 Degrees 03 Minutes 40 Seconds West, 260.71 feet
14 to the beginning of a curve to the left having a radius 239.95;

15 5) Continuing along said curve to the left having a central
16 angle of 68 Degrees 37 Minutes 32 Seconds, a Chord bearing South 62
17 Degrees 29 Minutes 30 Seconds West and distance of 270.52 feet;

18 6) South 31 Degrees 55 Minutes 20 Seconds West, 224.13 feet
19 to the beginning of a curve to the left, having a radius of 776.66;

20 7) Continuing along said curve to the left, having a delta
21 angle of 27 Degrees 22 Minutes 33 Seconds, a Chord bearing South 16
22 Degrees 11 Minutes 34 Seconds West and a distance of 367.57 feet;

23 8) South 10 Degrees 00 Minutes 58 Seconds East, 50.49 feet;

24 9) South 02 Degrees 26 Minutes 38 Seconds West, 401.40 feet
25 to the intersection of the west line of Plymouth Road and the north
26 line of Davis Street;

27 THENCE South 89 Degrees 47 Minutes 40 Seconds West, a distance of

1 3498.61 feet to the intersection of the north line of Davis Street
2 and the east line of Westmoreland Road;

3 THENCE in a northerly direction along the east line of Westmoreland
4 Road, the following courses and distances;

5 North 00 Degrees 50 Minutes 38 Seconds West, a distance of
6 1495.20 feet;

7 North 00 Degrees 53 Minutes 40 Seconds West, a distance of
8 537.47 feet;

9 THENCE departing the east line of Westmoreland Road, South 88
10 Degrees 31 Minutes 29 Seconds West, a distance of 92.29 feet, to a
11 point in the west line of Westmoreland Road;

12 THENCE with the meanders of the tracts of land described in the
13 following deeds: SLF III/INCAP L.P. recorded in Instrument Number
14 20080313895 and 20080313879, Adbitrain Realty, LLC recorded in
15 Instrument Number 20030311829, Fred C. Nagle, Jr. recorded in
16 Volume 89217, Page 4038, Connie M. Nagle recorded in Volume 92212,
17 Page 0233 and Richard A. Patten, Joseph McElroy, III, Mike Marshall
18 and Janus Assoc. LTD. Recorded in Volume 2002070, Page 8927, Deed
19 Records, Dallas County, Texas, the following Fifty-seven courses
20 and distances:

21 1) North 00 Degrees 25 Minutes 22 Seconds West, a distance
22 of 1008.88 feet to the beginning of a curve to the right, having a
23 radius of 623.69 and a delta angle of 26 Degrees 56 Minutes 51
24 Seconds;

25 2) Continuing along said curve to the right a distance of
26 293.33 feet, Chord bears North 12 Degrees 32 Minutes 44 Seconds
27 East, a distance of 290.64 feet;

- 1 3) North 00 Degrees 39 Minutes 45 Seconds West, a distance
2 of 36.81 feet to the beginning of a curve to the right, having a
3 radius of 306.48 feet and a delta angle of 38 Degrees 34 Minutes 26
4 Seconds;
- 5 4) Continuing along said curve to the right for a distance
6 of 206.33 feet, Chord bears North 39 Degrees 31 Minutes 39 Seconds
7 East, a distance of 202.46 feet;
- 8 5) North 58 Degrees 48 Minutes 23 Seconds East, a distance
9 of 44.70 feet;
- 10 6) North 43 Degrees 22 Minutes 34 Seconds East, a distance
11 of 49.00 feet;
- 12 7) North 43 Degrees 22 Minutes 34 Seconds East, a distance
13 of 28.30 feet;
- 14 8) North 00 Degrees 58 Minutes 46 Seconds West, a distance
15 of 30.42 feet;
- 16 9) South 89 Degrees 23 Minutes 16 Seconds West, a distance
17 of 226.39 feet
- 18 10) North 03 Degrees 27 Minutes 44 Seconds West, a distance
19 of 179.42 feet;
- 20 11) South 87 Degrees 34 Minutes 00 Seconds East, a distance
21 of 98.56 feet;
- 22 12) North 02 Degrees 51 Minutes 31 Seconds East, a distance
23 of 122.25 feet;
- 24 13) North 89 Degrees 36 Minutes 33 Seconds East, a distance
25 of 93.41 feet;
- 26 14) North 02 Degrees 00 Minutes 04 Seconds East, a distance
27 of 120.55 feet;

- 1 15) North 89 Degrees 56 Minutes 26 Seconds East, a distance
2 of 136.90 feet;
- 3 16) North 17 Degrees 30 Minutes 57 Seconds East, a distance
4 of 103.63 feet;
- 5 17) North 89 Degrees 27 Minutes 29 Seconds East, a distance
6 of 357.56 feet;
- 7 18) North 00 Degrees 19 Minutes 16 Seconds East, a distance
8 of 166.00 feet;
- 9 19) South 89 Degrees 52 Minutes 44 Seconds East, a distance
10 of 266.51 feet;
- 11 20) South 00 Degrees 38 Minutes 56 Seconds West, a distance
12 of 116.08 feet;
- 13 21) South 89 Degrees 51 Minutes 31 Seconds East, a distance
14 of 96.31 feet;
- 15 22) North 02 Degrees 27 Minutes 58 Seconds East, a distance
16 of 116.21 feet;
- 17 23) North 02 Degrees 41 Minutes 15 Seconds East, a distance
18 of 666.54 feet;
- 19 24) North 02 Degrees 20 Minutes 59 Seconds East, a distance
20 of 146.95 feet;
- 21 25) South 89 Degrees 46 Minutes 01 Seconds West, a distance
22 of 399.19 feet;
- 23 26) South 88 Degrees 59 Minutes 27 Seconds West, a distance
24 of 258.93 feet;
- 25 27) North 00 Degrees 10 Minutes 44 Seconds West, a distance
26 of 335.96 feet;
- 27 28) South 88 Degrees 56 Minutes 08 Seconds West, a distance

1 of 331.24 feet;
2 29) North 00 Degrees 52 Minutes 18 Seconds West, a distance
3 of 363.82 feet;
4 30) North 89 Degrees 11 Minutes 22 Seconds East, a distance
5 of 562.19 feet;
6 31) North 00 Degrees 23 Minutes 34 Seconds West, a distance
7 of 56.18 feet;
8 32) South 89 Degrees 08 Minutes 52 Seconds West, a distance
9 of 10.46 feet;
10 33) North 00 Degrees 37 Minutes 02 Seconds West, a distance
11 of 475.19 feet;
12 34) North 68 Degrees 20 Minutes 23 Seconds West, a distance
13 of 353.92 feet;
14 35) South 89 Degrees 56 Minutes 26 Seconds West, a distance
15 of 962.75 feet;
16 36) North 88 Degrees 58 Minutes 00 Seconds West, a distance
17 of 845.36 feet;
18 37) South 27 Degrees 00 Minutes 04 Seconds West, a distance
19 of 138.66 feet;
20 38) South 62 Degrees 59 Minutes 56 Seconds East, a distance
21 of 27.50 feet;
22 39) South 27 Degrees 00 Minutes 04 Seconds West, a distance
23 of 282.40 feet to the beginning of a curve to the right, having a
24 radius of 2028.17 feet and a delta angle of 07 Degrees 05 Minutes 26
25 Seconds;
26 40) Continuing along said curve to the right, a distance of
27 250.99 feet, Chord bears South 30 Degrees 36 Minutes 04 Seconds

1 West, a distance of 250.83 feet to the beginning of a curve to the
2 right, having a radius of 1042.38 feet and a delta angle of 13
3 Degrees 20 Minutes 33 Seconds;

4 41) Continuing along said curve to the right, a distance of
5 242.74 feet, Chord bears South 40 Degrees 52 Minutes 21 Seconds
6 West, a distance of 242.19 feet;

7 42) South 01 Degrees 02 Minutes 21 Seconds East, a distance
8 of 285.07 feet;

9 43) South 00 Degrees 53 Minutes 34 Seconds East, a distance
10 of 250.77 feet;

11 44) South 45 Degrees 02 Minutes 22 Seconds East, a distance
12 of 1323.99 feet;

13 45) South 00 Degrees 09 Minutes 40 Seconds East, a distance
14 of 924.15 feet;

15 46) South 88 Degrees 46 Minutes 00 Seconds West, a distance
16 of 70.05 feet to the beginning of a curve to the left, having a
17 radius of 918.00 feet and a delta angle of 30 Degrees 53 Minutes 54
18 Seconds;

19 47) Continuing along said curve to the left, a distance of
20 495.06 feet, Chord bears South 32 Degrees 00 Minutes 41 Seconds
21 East, a distance of 489.08 feet;

22 48) South 49 Degrees 19 Minutes 45 Seconds East, a distance
23 of 131.71 feet;

24 49) South 49 Degrees 19 Minutes 45 Seconds East, a distance
25 of 113.68 feet;

26 50) South 47 Degrees 27 Minutes 39 Seconds East, a distance
27 of 877.46 feet to the beginning of a curve to the right, having a

1 radius of 524.17 feet and a delta angle of 69 Degrees 51 Minutes 51
2 Seconds;

3 51) Continuing along said curve to the right, a distance of
4 639.16 feet, Chord bears South 14 Degrees 13 Minutes 44 Seconds
5 East, a distance of 600.29 feet, to the beginning of a curve to the
6 left, having a radius of 368.00 feet and a delta angle of 58 Degrees
7 57 Minutes 10 Seconds;

8 52) Continuing along said curve to the left, a distance of
9 378.64 feet, Chord bears South 07 Degrees 51 Minutes 31 Seconds
10 East, a distance of 362.16 feet;

11 53) South 88 Degrees 43 Minutes 04 Seconds East, a distance
12 of 12.69 feet;

13 54) North 40 Degrees 38 Minutes 54 Seconds East, a distance
14 of 19.87 feet;

15 55) North 00 Degrees 27 Minutes 31 Seconds West, a distance
16 of 581.42 feet;

17 56) North 89 Degrees 46 Minutes 56 Seconds East, a distance
18 of 185.67 feet;

19 57) North 89 Degrees 46 Minutes 56 Seconds West, a distance
20 of 226.22 feet to the west line of Westmoreland Road;

21 THENCE South 03 Degrees 41 Minutes 12 Seconds East, a distance of
22 84.08 feet;

23 THENCE South 00 Degrees 33 Minutes 20 Seconds East, a distance of
24 100.00 feet, along the west line of Westmoreland Road, to the
25 intersection of the west line of Westmoreland Road and the north
26 line of Fort Worth Avenue;

27 THENCE along the west line of Westmoreland Road, the following five

1 courses and distances:

2 1) South 00Degrees 33 Minutes 20 Seconds East, a distance of
3 155.36 feet;

4 2) South 04 Degrees 59 Minutes 09 Seconds East, a distance
5 of 116.15 feet;

6 3) South 00 Degrees 21 Minutes 55 Seconds East, a distance
7 of 82.98 feet;

8 4) South 00 Degrees 43 Minutes 59 Seconds East, a distance
9 of 937.30 feet;

10 5) South 02 Degrees 32 Minutes 41 Seconds East, a distance
11 of 184.19 feet, to the south line of Davis Street;

12 THENCE along the south line of Davis Street, the following eleven
13 courses and distance:

14 1) North 89 Degrees 44 Minutes 01 Seconds East, a distance
15 of 2451.54 feet;

16 2) North 89 Degrees 46 Minutes 12 Seconds East, a distance
17 of 1378.47 feet;

18 3) North 89 Degrees 00 Minutes 53 Seconds East, a distance
19 of 349.69 feet;

20 4) North 84 Degrees 34 Minutes 31 Seconds East, a distance
21 of 143.53 feet;

22 5) North 88 Degrees 55 Minutes 26 Seconds East, a distance
23 of 688.40 feet;

24 6) South 89 Degrees 27 Minutes 07 Seconds East, a distance
25 of 316.15 feet;

26 7) North 88 Degrees 25 Minutes 46 Seconds East, a distance
27 of 1262.57 feet;

1 8) North 88 Degrees 27 Minutes 23 Seconds East, a distance
2 of 399.02 feet;

3 9) North 88 Degrees 51 Minutes 18 Seconds East, a distance
4 of 53.61 feet;

5 10) South 88 Degrees 46 Minutes 53 Seconds East, a distance
6 of 138.62 feet;

7 11) South 65 Degrees 26 Minutes 30 Seconds East, a distance
8 of 11.71 feet;

9 THENCE with the meanders of the tract of land conveyed to Cliffwood
10 Development LLC recorded in Instrument Number 20070042742 of the
11 Deed Records of Dallas County, Texas, the following seven courses
12 and distances:

13 1) South 00 Degrees 35 Minutes 08 Seconds East, a distance
14 of 249.44 feet;

15 2) South 87 Degrees 54 Minutes 17 Seconds East, a distance
16 of 174.21 feet;

17 3) North 41 Degrees 57 Minutes 58 Seconds East, a distance
18 of 27.63 feet;

19 4) North 89 Degrees 10 Minutes 58 Seconds East, a distance
20 of 486.63 feet;

21 5) South 00 Degrees 40 Minutes 58 Seconds West, a distance
22 of 35.49 feet;

23 6) North 89 Degrees 50 Minutes 58 Seconds East, a distance
24 of 227.76 feet;

25 7) North 00 Degrees 09 Minutes 02 Seconds West, a distance
26 of 250.00 feet;

27 THENCE North 72 Degrees 12 Minutes 17 Seconds East, a distance of

1 130.39 feet, to the south line of Davis Street;
2 THENCE along the south line of Davis Street, the following six
3 courses and distances:

4 1) North 89 Degrees 29 Minutes 55 Seconds East, a distance
5 of 2221.81 feet;

6 2) North 88 Degrees 44 Minutes 16 Seconds East, a distance
7 of 800.75 feet;

8 3) North 89 Degrees 23 Minutes 13 Seconds East, a distance
9 of 1891.87 feet;

10 4) North 88 Degrees 59 Minutes 05 Seconds East, a distance
11 of 959.05 feet;

12 5) South 89 Degrees 45 Minutes 19 Seconds East, a distance
13 of 1108.73 feet;

14 6) North 89 Degrees 54 Minutes 57 Seconds East, a distance
15 of 267.08 feet, to the POINT OF BEGINNING and containing 455.938
16 acres of land, more or less.

17 (b) The following separately described land is also
18 included as a part of and within the district:

19 A 1.781 acre tract of land situated in the Thackery Griffin
20 Survey Abstract No. 511, and being part of the City of Dallas Block
21 Numbers 7217 in the City of Dallas, Dallas County, Texas and being
22 all of Tract 2 of Exhibit "A-5" Described in a deed to SLF III/
23 INCAP, LP, recorded in Instrument Number 20080313895, Deed Records
24 of Dallas County, Texas and being more particularly described by
25 metes and bounds as follows:

26 BEGINNING at a point in the South right-of way (Variable width) line
27 of Interstate Highway No.30 and the Northwest corner of said INCAP

1 tract;

2 THENCE with the meanders of the said INCAP tract of land, the
3 following Seven courses and distances:

4 58) South 88 Degrees 56 Minutes 33 Seconds East, a distance
5 of 316.21 feet;

6 59) South 26 Degrees 54 Minutes 38 Seconds West, a distance
7 of 47.15 feet;

8 60) North 63 Degrees 05 Minutes 22 Seconds West, a distance
9 of 27.51 feet;

10 61) South 26 Degrees 54 Minutes 38 Seconds West, a distance
11 of 282.40 feet to the beginning of a curve to the right, having a
12 radius of 1817.36 feet and a delta angle of 06 Degrees 50 Minutes 42
13 Seconds;

14 62) Continuing along said curve to the right, a distance of
15 217.12 feet, Chord bears North 30 Degrees 19 Minutes 59 Seconds
16 East, a distance of 216.99 feet;

17 63) South 35 Degrees 29 Minutes 25 Seconds West, a distance
18 of 41.56 feet;

19 North 00 Degrees 59 Minutes 13 Seconds West, a distance of
20 508.45 feet, to the POINT OF BEGINNING and containing 1.781 acres of
21 land, more or less.

22 SECTION 3. The legislature finds that:

23 (1) proper and legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished by

1 the constitution and laws of this state, including the governor,
2 who has submitted the notice and Act to the Texas Commission on
3 Environmental Quality;

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

8 (3) the general law relating to consent by political
9 subdivisions to the creation of districts with conservation,
10 reclamation, and road powers and the inclusion of land in those
11 districts has been complied with; and

12 (4) all requirements of the constitution and laws of
13 this state and the rules and procedures of the legislature with
14 respect to the notice, introduction, and passage of this Act have
15 been fulfilled and accomplished.

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