

By: Laubenberg

H.B. No. 4751

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8314 to read as follows:

CHAPTER 8314. VAN ALSTYNE MUNICIPAL UTILITY DISTRICT NO. 2 OF

COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8314.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Van Alstyne Municipal Utility District No. 2 of Collin County.

Sec. 8314.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8314.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8314.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8314.003

1 until each municipality in whose corporate limits or
2 extraterritorial jurisdiction the district is located has
3 consented by ordinance or resolution to the creation of the
4 district and to the inclusion of land in the district.

5 Sec. 8314.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
6 The district is created to serve a public purpose and benefit.

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

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

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

14 Sec. 8314.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

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

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8314.007-8314.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8314.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8314.052, directors serve
5 staggered four-year terms.

6 Sec. 8314.052. TEMPORARY DIRECTORS. (a) On or after the
7 effective date of the Act creating this chapter, the owner or owners
8 of a majority of the assessed value of the real property in the
9 district may submit a petition to the Texas Commission on
10 Environmental Quality requesting that the commission appoint as
11 temporary directors the five persons named in the petition. The
12 commission shall appoint as temporary directors the five persons
13 named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 8314.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act creating this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8314.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8314.003; or

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

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

8 [Sections 8314.053-8314.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8314.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8314.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8314.103. AUTHORITY FOR ROAD PROJECTS. Under Section
19 52, Article III, Texas Constitution, the district may design,
20 acquire, construct, finance, issue bonds for, improve, operate,
21 maintain, and convey to this state, a county, or a municipality for
22 operation and maintenance macadamized, graveled, or paved roads, or
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 8314.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
25 project must meet all applicable construction standards, zoning and
26 subdivision requirements, and regulations of each municipality in
27 whose corporate limits or extraterritorial jurisdiction the road

1 project is located.

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

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

10 Sec. 8314.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
11 OR RESOLUTION. The district shall comply with all applicable
12 requirements of any ordinance or resolution that is adopted under
13 Section 54.016 or 54.0165, Water Code, and that consents to the
14 creation of the district or to the inclusion of land in the
15 district.

16 Sec. 8314.106. LIMITATION ON USE OF EMINENT DOMAIN. (a)
17 The district may not exercise the power of eminent domain outside
18 the district to acquire a site or easement for:

19 (1) a road project authorized by Section 8314.103; or
20 (2) a recreational facility as defined by Section
21 49.462, Water Code.

22 (b) The district may not exercise the power of eminent
23 domain in the corporate limits of the City of Van Alstyne unless the
24 city has consented by ordinance or resolution to that exercise of
25 eminent domain authority.

26 Sec. 8314.107. DIVISION OF DISTRICT. (a) The district may
27 be divided into two or more new districts only if:

- 1 (1) the district has no outstanding bonded debt;
- 2 (2) the district is not imposing ad valorem taxes; and
- 3 (3) the City of Van Alstyne has consented by ordinance
4 or resolution to the division of the district.

5 (b) This chapter applies to any new district created by the
6 division of the district, and a new district has all the powers and
7 duties of the district.

8 (c) Any new district created by the division of the district
9 may not, at the time the new district is created, contain any land
10 outside the area described by Section 2 of the Act creating this
11 chapter.

12 (d) The board, on its own motion or on receipt of a petition
13 signed by the owner or owners of a majority of the assessed value of
14 the real property in the district, may adopt an order dividing the
15 district.

16 (e) The board may adopt an order dividing the district
17 before or after the date the board holds an election under Section
18 8314.003 to confirm the district's creation.

19 (f) An order dividing the district shall:

- 20 (1) name each new district;
- 21 (2) include the metes and bounds description of the
22 territory of each new district;
- 23 (3) appoint temporary directors for each new district;
24 and
- 25 (4) provide for the division of assets and liabilities
26 between or among the new districts.

27 (g) On or before the 30th day after the date of adoption of

1 an order dividing the district, the district shall file the order
2 with the Texas Commission on Environmental Quality and record the
3 order in the real property records of each county in which the
4 district is located.

5 (h) Any new district created by the division of the district
6 shall hold a confirmation and directors' election as required by
7 Section 8314.003.

8 (i) Subject to Subsection (a), municipal consent to the
9 creation of the district and to the inclusion of land in the
10 district granted under Section 8314.004 acts as municipal consent
11 to the creation of any new district created by the division of the
12 district and to the inclusion of land in the new district.

13 (j) Any new district created by the division of the district
14 must hold an election as required by this chapter to obtain voter
15 approval before the district may impose a maintenance tax or issue
16 bonds payable wholly or partly from ad valorem taxes.

17 Sec. 8314.108. LIMITATION ON ANNEXATION. The district may
18 not annex any territory outside the area described by Section 2 of
19 the Act creating this chapter unless the City of Van Alstyne has
20 consented by ordinance or resolution to the annexation.

21 [Sections 8314.109-8314.150 reserved for expansion]

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8314.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
24 district may issue, without an election, bonds and other
25 obligations secured by:

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

27 (2) contract payments described by Section 8314.153.

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

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

9 Sec. 8314.152. OPERATION AND MAINTENANCE TAX. (a) If
10 authorized at an election held under Section 8314.151, the district
11 may impose an operation and maintenance tax on taxable property in
12 the district in accordance with Section 49.107, Water Code.

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

15 Sec. 8314.153. CONTRACT TAXES. (a) In accordance with
16 Section 49.108, Water Code, the district may impose a tax other than
17 an operation and maintenance tax and use the revenue derived from
18 the tax to make payments under a contract after the provisions of
19 the contract have been approved by a majority of the district voters
20 voting at an election held for that purpose.

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

24 [Sections 8314.154-8314.200 reserved for expansion]

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26 Sec. 8314.201. AUTHORITY TO ISSUE BONDS AND OTHER
27 OBLIGATIONS. The district may issue bonds or other obligations

1 payable wholly or partly from ad valorem taxes, impact fees,
2 revenue, contract payments, grants, or other district money, or any
3 combination of those sources, to pay for any authorized district
4 purpose.

5 Sec. 8314.202. TAXES FOR BONDS. At the time the district
6 issues bonds payable wholly or partly from ad valorem taxes, the
7 board shall provide for the annual imposition of a continuing
8 direct ad valorem tax, without limit as to rate or amount, while all
9 or part of the bonds are outstanding as required and in the manner
10 provided by Sections 54.601 and 54.602, Water Code.

11 Sec. 8314.203. BONDS FOR ROAD PROJECTS. At the time of
12 issuance, the total principal amount of bonds or other obligations
13 issued or incurred to finance road projects and payable from ad
14 valorem taxes may not exceed one-fourth of the assessed value of the
15 real property in the district.

16 SECTION 2. The Van Alstyne Municipal Utility District No. 2
17 of Collin County initially includes all the territory contained in
18 the following area:

19 SITUATED in the County of Collin, State of Texas, and being a
20 part of the W. M. Creager Survey, Abstract No. 164, and being all of
21 the 6.120 ac. tract of land (Tract 6) conveyed to Vincent Viola by
22 W. Mark David by Special Warranty Deed dated July 30, 2001 and
23 recorded in Volume 4987, Page 697, Deed Records, Collin County,
24 Texas, and being more particularly described as one tract of land by
25 metes and bounds as follows, to-wit:

26 BEGINNING at a point in the West right-of-way line of State
27 Highway No. 5, at the Northeast corner of said Viola Tract 6, at the

1 Southeast corner of the property conveyed to John E. Steffens in
2 Collin County Clerk's File No. 93-0104713;

3 THENCE South 21 deg. 08 min. 14 sec. East, with the West
4 right-of-way line of said State Highway No. 5, a distance of 638.77
5 ft. to a point at the most Easterly Southeast corner of said Viola
6 Tract 6, at the Northeast corner of the property conveyed to Tina M.
7 Lieto;

8 THENCE South 69 deg. 07 min. 56 sec. West, with the North line
9 of said Lieto tract, a distance of 142.55 ft. to a point at the
10 Northwest corner of said Lieto tract;

11 THENCE South 20 deg. 28 min. 53 sec. East, with the West line
12 of said Lieto tract, a distance of 300.17 ft. to a point in the North
13 line of the property conveyed to Tim P. Heffernan in Collin County
14 Clerk's File No. 94-0098977, at the Southwest corner of said Lieto
15 tract, at the most Southerly Southeast corner of said Viola Tract 6;

16 THENCE South 68 deg. 55 min. 52 sec. West, with the North line
17 of said Heffernan tract, a distance of 377.37 ft. to a point in the
18 East line of the property conveyed to Kerry L. Burns in Collin
19 County Clerk's File No. 93-0091969, at the Southwest corner of said
20 Viola Tract 6;

21 THENCE North 01 deg. 35 min. 22 sec. East, with the East line
22 of said Burns tract, a distance of 1,068.04 ft. to a point in the
23 South line of said Steffens tract, at the Northeast corner of said
24 Burns tract, at the Northwest corner of said Viola Tract 6;

25 THENCE South 88 deg. 00 min. 01 sec. East, with the South line
26 of said Steffens tract, a distance of 120.42 ft. to the PLACE OF
27 BEGINNING and containing 6.12 ACRES of land.

1 SITUATED in the County of Collin, State of Texas, and being a
2 part of the W. M. Creager Survey, Abstract No. 164, and being all of
3 the 27.387 ac. tract of land (Tract 7) conveyed to Vincent Viola by
4 W. Mark David by Special Warranty Deed dated July 30, 2001 and
5 recorded in Volume 4987, Page 697, Deed Records, Collin County,
6 Texas, and being more particularly described as one tract of land by
7 metes and bounds as follows, to-wit:

8 BEGINNING at a point in the West right-of-way line of State
9 Highway No. 5, at the Northeast corner of said Viola Tract 7, at the
10 Southeast corner of the property conveyed to Tim P. Heffernan in
11 Collin County Clerk's File No. 94-0098977;

12 THENCE South 21 deg. 08 min. 14 sec. East, with the West
13 right-of-way line of said State Highway No. 5, a distance of
14 1,183.89 ft. to a point at the Northeast corner of the property
15 conveyed to M. F. Darehsori in Volume 2264, Page 395, said Collin
16 County Deed Records;

17 THENCE North 87 deg. 58 min. 11 sec. West, with the North line
18 of said Darehsori tract, a distance of 131.73 ft. to a point at the
19 Northwest corner of said Darehsori tract;

20 THENCE South 02 deg. 01 min. 49 sec. West, with the West line
21 of said Darehsori tract, a distance of 150.00 ft. to a point at the
22 Southwest corner of said Darehsori tract;

23 THENCE South 87 deg. 58 min. 11 sec. East, with the South line
24 of said Darehsori tract, a distance of 195.92 ft. to a point in the
25 West right-of-way line of said State Highway No. 5, at the Southeast
26 corner of said Darehsori tract;

27 THENCE South 21 deg. 08 min. 14 sec. East, with the West

1 right-of-way line of said State Highway No. 5, a distance of 190.49
2 ft. to a point at the Southeast corner of said Viola Tract 7;

3 THENCE North 87 deg. 54 min. 56 sec. West, with the South line
4 of said Viola Tract 7, a distance of 1,216.71 ft. to a point at the
5 Southwest corner of said Viola Tract 7;

6 THENCE North 01 deg. 35 min. 22 sec. East, with the West line
7 of said Viola Tract 7, a distance of 1,149.78 ft. to a point at the
8 Northwest corner of said Viola Tract 7, at the Southwest corner of
9 said Heffernan tract;

10 THENCE North 69 deg. 05 min. 34 sec. East, with the South line
11 of said Heffernan tract, a distance of 673.94 ft. to the PLACE OF
12 BEGINNING and containing 27.39 ACRES of land.

13 SITUATED in the County of Collin, State of Texas, and being a
14 part of the W. M. Creager Survey, Abstract No. 164, being a part of
15 the Hanny Nelson Survey, Abstract No. 431, and being all of the
16 14.381 ac. tract of land (Tract 4) and 20.024 ac. tract of land
17 (Tract 5) both conveyed to Vincent Viola by W. Mark David by Special
18 Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page
19 697, Deed Records, Collin County, Texas, and being more
20 particularly described as one tract of land by metes and bounds as
21 follows, to-wit:

22 BEGINNING at a point in the center of Collin County Road No.
23 290, a public road, in the East-right-of-way line of State Highway
24 No. 5, at the Northwest corner of said Viola Tract 4;

25 THENCE South 86 deg. 46 min. 02 sec. East, with the center of
26 said Collin County Road No. 290 and the North line of said Viola
27 Tract 4, a distance of 752.82 ft. to a point at the Northeast corner

1 of said Viola Tract 4, at the Northwest corner of the property
2 conveyed to Rollin G. Andreas in Collin County Clerk's File No.
3 95-0024818;

4 THENCE South 02 deg. 30 min. 46 sec. West, with the West line
5 of said Andreas tract, a distance of 1,162.43 ft. to a point at the
6 Southwest corner of said Andreas tract, at the most Northerly
7 Northwest corner of said Viola Tract 5;

8 THENCE South 88 deg. 22 min. 09 sec. East, with the South line
9 of said Andreas tract, passing the Southeast corner of said Andreas
10 tract and the Southwest corner of the property conveyed to Clyde L.
11 Depew in Volume 2709, Page 88, said Collin County Deed Records, and
12 continuing now with the South line of said Depew tract, passing the
13 Southeast corner of said Depew tract and the Southwest corner of the
14 property conveyed to Donald H. Topper in Volume 3139, Page 13, said
15 Collin County Deed Records, and continuing now with the South line
16 of said Topper tract for total distance of 1,305.31 ft. to a point
17 at the Northeast corner of said Viola Tract 5;

18 THENCE South 02 deg. 11 min. 51 sec. West, with the East line
19 of said Viola Tract 5, a distance of 661.46 ft. to a point at the
20 Southeast corner of both said Viola Tract 5 and the herein described
21 tract, at a corner of the property conveyed to Osa W. Marshhall in
22 Volume 756, Page 823, said Collin County Deed Records;

23 THENCE North 87 deg. 53 min. 32 sec. West, with the South line
24 of said Viola Tract 5 and the North line of said Marshhall tract, a
25 distance of 1,263.76 ft. to a point in the East right-of-way line of
26 said State Highway No. 5, at the Southwest corner of both said Viola
27 Tract 5 and the herein described tract, at the Northwest corner of

1 said Marshhall tract;

2 THENCE North 21 deg. 07 min. 59 sec. West, with the East
3 right-of-way line of said State Highway No. 5 and the West line of
4 said Viola Tract 5, passing the most Westerly Northwest corner of
5 said Viola Tract 5 and the Southwest corner of said Viola Tract 4
6 and continuing now with the West line of said Viola Tract 4 for a
7 total distance of 1,989.19 ft. to the PLACE OF BEGINNING and
8 containing 34.40 ACRES of land.

9 SITUATED in the County of Collin, State of Texas, and being a
10 part of the Hanny Nelson Survey, Abstract No. 431, and being a part
11 of the J. C. Burge Survey, Abstract No. 106, and being a part of the
12 W. M. Creager Survey, Abstract No. 164, and being a part of the
13 363.943 ac. tract of land (Tract 2) and all of the 217.416 ac. tract
14 of land (Tract 3), both conveyed to Vincent Viola by W. Mark David
15 by Special Warranty Deed dated July 30, 2001 and recorded in Volume
16 4987, Page 697, Deed Records, Collin County, Texas, and being more
17 particularly described as one tract of land by metes and bounds as
18 follows, to-wit:

19 BEGINNING at a point in East right-of-way line of U. S.
20 Highway No. 75, in the center of Collin County Road No. 290, at the
21 most Northerly Northwest corner of said Viola Tract 2;

22 THENCE South 87 deg. 47 min. 57 sec. East, with the center of
23 said Collin County Road No. 290, a distance of 677.09 ft. to a point
24 at the Northeast corner of said Viola Tract 2, at the Northwest
25 corner of said Viola Tract 3;

26 THENCE South 88 deg. 25 min. 32 sec. East, continuing with the
27 center of said Collin County Road No. 290, a distance of 447.93 ft.

1 to a point at the Northwest corner of the property conveyed to Jim
2 Lawrence in Volume 1498, Page 563, said Collin County Deed Records;

3 THENCE South 01 deg. 54 min. 14 sec. West, with the West line
4 of said Lawrence tract, a distance of 599.97 ft. to a point at the
5 Southwest corner of said Lawrence tract;

6 THENCE South 88 deg. 12 min. 30 sec. East, with the South line
7 of said Lawrence tract, a distance of 579.90 ft. to a point at the
8 Southeast corner of said Lawrence tract;

9 THENCE North 01 deg. 58 min. 08 sec. East, with the East line
10 of said Lawrence tract, a distance of 602.17 ft. to a point in the
11 center of said Collin County Road No. 290, at the Northeast corner
12 of said Lawrence tract;

13 THENCE South 88 deg. 25 min. 32 sec. East, with the center of
14 said Collin County Road No. 290, passing the most Westerly
15 Southwest corner of the property conveyed to Tucker B. McDonald in
16 Collin County Clerk's File No. 94-0053961, and continuing now with
17 a South line of said McDonald tract for a total distance of 815.54
18 ft. to a point at a Northeast corner of said Viola Tract 3, at an Ell
19 corner of said McDonald tract;

20 THENCE South 01 deg. 55 min. 23 sec. West, with a West line of
21 said McDonald tract, a distance of 144.12 ft. to a point at the
22 Southwest corner of said McDonald tract;

23 THENCE South 88 deg. 09 min. 09 sec. East, with a South line
24 of said McDonald tract, passing the Southeast corner of said
25 McDonald tract and a Southwest corner of the property conveyed to
26 Forrest W. Moore in Volume 1799, Page 804, said Collin County Deed
27 Records, and continuing now with a South line of said Moore tract

1 for a total distance of 1,372.74 ft. to a point in West right-of-way
2 line of State Highway No. 5, at the Northeast corner of both said
3 Viola Tract 3 and the herein described tract;

4 THENCE South 21 deg. 08 min. 14 sec. East, with the West
5 right-of-way line of said State Highway No. 5, a distance of
6 1,357.58 ft. to a point at the most Easterly Southeast corner of
7 both said Viola Tract 3 and the herein described tract, at the
8 Northeast corner of the property conveyed to John E. Steffens in
9 Collin County Clerk's File No. 93-0104713;

10 THENCE North 87 deg. 57 min. 15 sec. West, with the North line
11 of said Steffens tract, a distance of 701.67 ft. to a point at the
12 Northwest corner of said Steffens tract;

13 THENCE South 00 deg. 32 min. 52 sec. East, with the West line
14 of said Steffens tract, a distance of 185.54 ft. to a point in the
15 North line of the property conveyed to Ann Marie Forlenza in Collin
16 County Clerk's File No. 96-0016528, at the Southwest corner of said
17 Steffens tract;

18 THENCE North 88 deg. 15 min. 56 sec. West, with the North line
19 of said Forlenza tract, passing the Northwest corner of said
20 Forlenza tract and the Northeast corner of Anna 103, an Addition to
21 Collin County, Texas, as recorded in the Collin County Plat
22 Records, a distance of 219.14 ft. to an angle point in the North
23 line of said Anna 103 Addition;

24 THENCE North 88 deg. 54 min. 31 sec. West, continuing with the
25 North line of said Anna 103 Addition, a distance of 802.35 ft. to a
26 point at the Northwest corner of said Anna 103 Addition;

27 THENCE South 02 deg. 22 min. 42 sec. West, with the West line

1 of said Anna 103 Addition, a distance of 2,263.74 ft. to a point at
2 the Northeast corner of the property conveyed to Ronald Larue in
3 Volume 1697, Page 57, said Collin County Deed Records;

4 THENCE North 83 deg. 28 min. 52 sec. West, with the North line
5 of said Larue tract, a distance of 386.62 ft. to a point at the
6 Northwest corner of said Larue tract;

7 THENCE South 02 deg. 22 min. 41 sec. West, with the West line
8 of said Larue tract, a distance of 335.53 ft. to a point in the North
9 line of the property conveyed to Virginia R. Bryant in Volume 2867,
10 Page 168, said Collin County Deed Records, at the Southwest corner
11 of said Larue tract;

12 THENCE North 86 deg. 56 min. 09 sec. West, with the North line
13 of said Bryant tract, a distance of 474.85 ft. to a point at the
14 Northwest corner of said Bryant tract;

15 THENCE North 87 deg. 00 min. 45 sec. West, a distance of
16 597.94 ft. to a point at the Southeast corner of the Mantua
17 Cemetery;

18 THENCE North 01 deg. 35 min. 32 sec. East, with the East line
19 of said Mantua Cemetery, a distance of 372.22 ft. to a point at the
20 Northeast corner of said Mantua Cemetery;

21 THENCE South 54 deg. 09 min. 25 sec. West, with the North line
22 of said Mantua Cemetery, a distance of 319.95 ft. to an angle point;

23 THENCE North 40 deg. 29 min. 38 sec. West, continuing with the
24 North line of said Mantua Cemetery, a distance of 134.58 ft. to an
25 angle point;

26 THENCE South 81 deg. 54 min. 46 sec. West, continuing with the
27 North line of said Mantua Cemetery, a distance of 60.47 ft. to an

1 angle point;

2 THENCE South 20 deg. 08 min. 34 sec. West, continuing with the
3 North line of said Mantua Cemetery, a distance of 155.17 ft. to an
4 angle point;

5 THENCE South 69 deg. 37 min. 57 sec. West, continuing with the
6 North line of said Mantua Cemetery, a distance of 17.16 ft. to a
7 point in the center of a public road, at the Northwest corner of
8 said Mantua Cemetery;

9 THENCE South 03 deg. 13 min. 52 sec. West, with the West line
10 of said Mantua Cemetery, a distance of 102.46 ft. to a point at the
11 Southwest corner of said Mantua Cemetery;

12 THENCE South 87 deg. 00 min. 45 sec. East, with the South line
13 of said Mantua Cemetery, a distance of 23.27 ft. to a point in the
14 center of said public road;

15 THENCE South 08 deg. 32 min. 03 sec. West, with the center of
16 said public road, a distance of 105.61 ft. to an angle point;

17 THENCE South 36 deg. 51 min. 30 sec. West, continuing with the
18 center of said public road, a distance of 94.21 ft. to an angle
19 point;

20 THENCE South 51 deg. 48 min. 17 sec. West, continuing with the
21 center of said public road, a distance of 78.22 ft. to an angle
22 point;

23 THENCE South 56 deg. 56 min. 45 sec. West, continuing with the
24 center of said public road, a distance of 149.91 ft. to an angle
25 point;

26 THENCE South 57 deg. 35 min. 20 sec. West, continuing with the
27 center of said public road, a distance of 87.86 ft. to a point at the

1 most Northerly Northeast corner of the property conveyed to Leonard
2 Harlow in Collin County Clerk's File No. 92-0054819;

3 THENCE South 72 deg. 58 min. 34 sec. West, with a North line
4 of said Harlow tract, a distance of 246.79 ft. to a point at the most
5 Northerly Northwest corner of said Harlow tract;

6 THENCE South 01 deg. 36 min. 58 sec. West, with a West line of
7 said Harlow tract, a distance of 398.78 ft. to an angle point;

8 THENCE South 21 deg. 05 min. 34 sec. West, with a North line
9 of said Harlow tract, a distance of 82.04 ft. to a point at an Ell
10 corner of said Harlow tract;

11 THENCE North 87 deg. 34 min. 30 sec. West, continuing with a
12 North line of said Harlow tract, entering the centerline of said
13 public road and continuing for a distance of 233.21 ft. to a point
14 at the most Westerly Northwest corner of said Harlow tract;

15 THENCE South 89 deg. 26 min. 08 sec. West, with the center of
16 said public road, a distance of 492.32 ft. to a point at the
17 intersection of the center of said public road with the East
18 right-of-way line of said U. S. Highway No. 75;

19 THENCE Northerly, with the East right-of-way line of U. S.
20 Highway No. 75, the following calls and distances:

21 North 01 deg. 22 min. 30 sec. East, a distance of 26.10 ft. to
22 an angle point;

23 North 44 deg. 23 min. 30 sec. West, a distance of 41.84 ft. to
24 an angle point;

25 North 01 deg. 22 min. 30 sec. East, a distance of 774.10 ft.
26 to an angle point;

27 North 04 deg. 20 min. 30 sec. West, a distance of 200.95 ft.

1 to an angle point;
2 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
3 to an angle point;
4 North 04 deg. 14 min. 15 sec. East, a distance of 200.20 ft.
5 to an angle point;
6 North 07 deg. 05 min. 08 sec. East, a distance of 200.95 ft.
7 to an angle point;
8 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
9 to an angle point;
10 North 04 deg. 20 min. 08 sec. West, a distance of 200.95 ft.
11 to an angle point;
12 North 00 deg. 03 min. 25 sec. West, a distance of 400.02 ft.
13 to an angle point;
14 North 09 deg. 54 min. 21 sec. East, a distance of 202.18 ft.
15 to an angle point;
16 North 07 deg. 09 min. 20 sec. West, a distance of 202.18 ft.
17 to an angle point;
18 North 00 deg. 32 min. 03 sec. West, a distance of 600.18 ft.
19 to an angle point;
20 North 04 deg. 57 min. 05 sec. East, a distance of 400.68 ft.
21 to an angle point;
22 North 07 deg. 05 min. 08 sec. East, a distance of 401.89 ft.
23 to an angle point;
24 North 01 deg. 22 min. 31 sec. East, a distance of 159.31 ft.
25 to a point at the beginning of a curve;
26 Northerly, with a curve to the left having a radius of
27 11,681.11 ft. and a central angle of 02 deg. 16 min. 07 sec. (chord

1 bears North 00 deg. 14 min. 28 sec. East, 462.48 ft.), an arc
2 distance of 462.51 ft. to a point at the end of said curve;

3 North 49 deg. 37 min. 30 sec. East, a distance of 43.80 ft. to
4 an angle point;

5 South 88 deg. 06 min. 30 sec. East, a distance of 479.87 ft.
6 to an angle point;

7 North 24 deg. 52 min. 30 sec. East, a distance of 179.23 ft.
8 to an angle point;

9 North 01 deg. 41 min. 57 sec. East, a distance of 18.13 ft. to
10 the PLACE OF BEGINNING and containing 362.23 ACRES of land.

11 SITUATED in the County of Collin, State of Texas, and being a
12 part of the following Surveys in Collin County: the David Arnspiger
13 Survey, Abstract No. 15, the E. T. Berry Survey, Abstract No. 40,
14 the J. W. Curtis Survey, Abstract No. 1077, the Jonas Whitaker
15 Survey, Abstract No. 981, the P. Burns Survey, Abstract No. 100, and
16 the J. Batterman Survey, Abstract No. 94, and being a part of the
17 1,232.837 ac. tract of land conveyed to Vincent Viola by W. Mark
18 David by Special Warranty Deed dated July 30, 2001 and recorded in
19 Volume 4987, Page 726, Deed Records, Collin County, Texas, and
20 being all of the 64.749 ac. tract of land (Tract 3) conveyed to
21 Vincent J. Viola by Don S. Flesher by Warranty Deed dated September
22 10, 2004 and recorded in Volume 5766, Page 6210, said Collin County
23 Deed Records, and being all of the 133.814 ac. tract of land
24 conveyed to Vincent J. Viola by Mary Jane Kinsey by Warranty Deed
25 with Vendor's Lien dated March 31, 2004 and recorded in Volume 5642,
26 Page 1395, said Collin County Deed Records, and being all of the
27 377.45 ac. tract of land conveyed to Vincent J. Viola by Thornton

1 Farm Partnership, Ltd. by Special Warranty Deed with Vendor's Lien
2 dated September 22, 2005 and recorded in Volume 6010, Page 3310,
3 said Collin County Deed Records, and being all of the 61.61 ac.
4 tract of land conveyed to Vincent J. Viola by Jack R. Shirley,
5 Trustee of the Shirley Living Trust by Warranty Deed with Vendor's
6 Lien dated February 26, 2004 and recorded in Volume 5616, Page 5706,
7 said Collin County Deed Records, and being more particularly
8 described as one tract of land by metes and bounds as follows,
9 to-wit:

10 BEGINNING at a point in the West right-of-way line of U. S.
11 Highway No. 75, at a Northeast corner of said Viola 1,232.837 ac.;

12 THENCE Southerly, with the West right-of-way line of said U.
13 S. Highway No. 75, the following calls and distances:

14 South 02 deg. 54 min. 48 sec. West, a distance of 27.97 ft. to
15 an angle point;

16 South 30 deg. 46 min. 30 sec. East, a distance of 183.31 ft.
17 to an angle point;

18 South 88 deg. 06 min. 30 sec. East, a distance of 449.88 ft.
19 to an angle point;

20 South 44 deg. 01 min. 30 sec. East, a distance of 59.33 ft. to
21 a point at the beginning of a curve;

22 Southerly, with a non-tangent curve to the right having a
23 radius of 11,236.22 ft. and a central angle of 02 deg. 19 min. 08
24 sec. (chord bears South 00 deg. 12 min. 56 sec. West, 454.72 ft.),
25 an arc distance of 454.76 ft. to an angle point;

26 South 02 deg. 36 min. 16 sec. East, a distance of 360.12 ft.
27 to an angle point;

1 South 00 deg. 25 min. 13 sec. West, a distance of 599.93 ft.
2 to an angle point;
3 South 01 deg. 22 min. 30 sec. West, a distance of 199.95 ft.
4 to an angle point;
5 South 04 deg. 42 min. 49 sec. West, a distance of 600.86 ft.
6 to an angle point;
7 South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;
8 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
9 to an angle point;
10 South 01 deg. 22 min. 30 sec. West, a distance of 999.74 ft.
11 to an angle point;
12 South 10 deg. 21 min. 51 sec. West, a distance of 195.80 ft.
13 to an angle point;
14 South 07 deg. 03 min. 08 sec. East, a distance of 208.75 ft.
15 to an angle point;
16 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
17 to an angle point;
18 South 07 deg. 33 min. 03 sec. West, a distance of 185.86 ft.
19 to an angle point;
20 South 45 deg. 36 min. 30 sec. West, a distance of 42.98 ft. to
21 an angle point;
22 South 01 deg. 22 min. 30 sec. West, a distance of 24.40 ft. to
23 a point in the center of County Road No. 372, at the Southeast of the
24 herein described tract;
25 THENCE Westerly, with the center of said County Road No. 372,
26 the following calls and distances:
27 South 89 deg. 42 min. 59 sec. West, a distance of 353.70 ft.;

1 South 86 deg. 10 min. 45 sec. West, a distance of 143.79 ft.;
2 North 87 deg. 30 min. 14 sec. West, a distance of 53.25 ft.;
3 North 74 deg. 09 min. 11 sec. West, a distance of 54.65 ft.;
4 North 66 deg. 03 min. 55 sec. West, a distance of 186.27 ft.;
5 North 69 deg. 12 min. 09 sec. West, a distance of 184.29 ft.;
6 North 86 deg. 57 min. 36 sec. West, a distance of 96.84 ft.;
7 South 48 deg. 48 min. 29 sec. West, a distance of 93.49 ft.;
8 South 33 deg. 28 min. 27 sec. West, a distance of 305.00 ft.;
9 South 37 deg. 10 min. 57 sec. West, a distance of 265.16 ft.;
10 South 55 deg. 13 min. 57 sec. West, a distance of 89.72 ft.;
11 North 83 deg. 28 min. 02 sec. West, a distance of 100.14 ft.;
12 North 68 deg. 03 min. 52 sec. West, a distance of 396.07 ft.;
13 North 60 deg. 49 min. 08 sec. West, a distance of 186.54 ft.;
14 North 67 deg. 57 min. 27 sec. West, a distance of 71.26 ft.;
15 North 89 deg. 56 min. 56 sec. West, a distance of 69.12 ft.;
16 South 75 deg. 45 min. 15 sec. West, a distance of 103.51 ft.;
17 South 83 deg. 05 min. 09 sec. West, a distance of 72.42 ft.;
18 North 85 deg. 18 min. 09 sec. West, a distance of 68.25 ft.;
19 North 81 deg. 39 min. 08 sec. West, a distance of 527.44 ft.;
20 South 82 deg. 17 min. 34 sec. West, a distance of 143.98 ft.;
21 South 60 deg. 43 min. 16 sec. West, a distance of 129.67 ft.

22 to the intersection of the center of said County Road No. 372 with
23 the center of said County Road No. 290;

24 THENCE South 51 deg. 14 min. 09 sec. West, with the center of
25 said County Road No. 290, a distance of 159.23 ft. to an angle
26 point;

27 THENCE South 52 deg. 34 min. 25 sec. West, continuing with the

1 center of said County Road No. 290, a distance of 692.22 ft. to a
2 point at the Southeast corner of the property conveyed to Tristian
3 D. Pfeffer in Volume 3064, Page 593, said Collin County Deed
4 Records;

5 THENCE North 01 deg. 04 min. 20 sec. West, with the East line
6 of said Pfeffer tract, a distance of 295.17 ft. to a point at the
7 Northeast corner of said Pfeffer tract;

8 THENCE North 89 deg. 16 min. 11 sec. West, with the North line
9 of said Pfeffer tract, passing the Northwest corner of said Pfeffer
10 tract and the Northeast corner of the property conveyed to Michael
11 Ray Ashley, and continuing now with the North line of said Ashley
12 tract for a total distance of 547.91 ft. to a point at the Northwest
13 corner of said Ashley tract;

14 THENCE South 04 deg. 31 min. 06 sec. West, with the West line
15 of said Ashley tract, passing the Southwest corner of said Ashley
16 tract and continuing for a total distance of 872.74 ft. to a point
17 in the center of said County Road No. 290;

18 THENCE South 34 deg. 58 min. 46 sec. West, with the center of
19 said County Road No. 290, a distance of 568.84 ft. to an angle
20 point;

21 THENCE North 87 deg. 43 min. 32 sec. West, continuing with the
22 center of said County Road No. 290, a distance of 425.02 ft. to a
23 point at the intersection of the center of said County Road No. 290
24 with the center of a creek, at the Southeast corner of the 18.632
25 ac. tract of land conveyed to Stephen V. Jones and Kristi S. Jones
26 in Volume 4140, Page 3149, said Collin County Deed Records;

27 THENCE Northerly, with the center of a creek, maintaining the

1 East line of said Jones 18.632 ac., the following the calls and
2 distances:

- 3 North 04 deg. 31 min. 06 sec. East, a distance of 86.50 ft.;
- 4 North 35 deg. 11 min. 54 sec. West, a distance of 93.77 ft.;
- 5 North 23 deg. 28 min. 54 sec. West, a distance of 55.00 ft.;
- 6 North 52 deg. 28 min. 54 sec. West, a distance of 42.00 ft.;
- 7 North 26 deg. 48 min. 54 sec. West, a distance of 29.70 ft.;
- 8 North 69 deg. 58 min. 54 sec. West, a distance of 25.40 ft.;
- 9 North 31 deg. 08 min. 54 sec. West, a distance of 27.30 ft.;
- 10 North 05 deg. 49 min. 16 sec. West, a distance of 61.40 ft.;
- 11 North 15 deg. 44 min. 06 sec. East, a distance of 29.40 ft.;
- 12 North 31 deg. 13 min. 54 sec. West, a distance of 22.00 ft.;
- 13 North 79 deg. 23 min. 54 sec. West, a distance of 16.10 ft.;
- 14 North 00 deg. 46 min. 06 sec. East, a distance of 50.00 ft.;
- 15 North 31 deg. 45 min. 06 sec. East, a distance of 24.60 ft.;
- 16 North 02 deg. 31 min. 06 sec. East, a distance of 26.40 ft.;
- 17 North 34 deg. 28 min. 06 sec. East, a distance of 43.20 ft.;
- 18 North 13 deg. 08 min. 54 sec. West, a distance of 54.70 ft.;
- 19 North 00 deg. 31 min. 06 sec. East, a distance of 82.20 ft.;
- 20 North 19 deg. 28 min. 54 sec. West, a distance of 80.00 ft.;
- 21 North 40 deg. 03 min. 54 sec. West, a distance of 37.60 ft.;
- 22 North 17 deg. 46 min. 06 sec. East, a distance of 43.20 ft.;
- 23 North 58 deg. 31 min. 06 sec. East, a distance of 36.10 ft.;
- 24 North 28 deg. 28 min. 54 sec. West, a distance of 44.00 ft.;
- 25 North 56 deg. 28 min. 54 sec. West, a distance of 21.00 ft.;
- 26 North 21 deg. 15 min. 54 sec. West, a distance of 51.60 ft.;
- 27 South 48 deg. 11 min. 06 sec. West, a distance of 24.00 ft.;

1 North 44 deg. 08 min. 54 sec. West, a distance of 30.40 ft. ;
2 North 85 deg. 28 min. 54 sec. West, a distance of 26.00 ft. ;
3 North 43 deg. 28 min. 54 sec. West, a distance of 26.50 ft. ;
4 North 85 deg. 28 min. 54 sec. West, a distance of 42.70 ft. ;
5 North 27 deg. 08 min. 54 sec. West, a distance of 75.00 ft. ;
6 North 13 deg. 28 min. 54 sec. West, a distance of 25.30 ft. ;
7 North 34 deg. 28 min. 54 sec. West, a distance of 25.90 ft. ;
8 North 18 deg. 36 min. 54 sec. West, a distance of 78.20 ft. ;
9 North 68 deg. 31 min. 06 sec. East, a distance of 22.40 ft. ;
10 North 46 deg. 42 min. 06 sec. East, a distance of 36.00 ft. ;
11 North 44 deg. 28 min. 54 sec. West, a distance of 78.70 ft. ;
12 North 37 deg. 37 min. 54 sec. West, a distance of 22.43 ft. ;
13 South 81 deg. 30 min. 06 sec. West, a distance of 53.20 ft. ;
14 North 16 deg. 18 min. 59 sec. West, a distance of 60.42 ft. to
15 a point at the Northeast corner of said Jones 18.632 ac. ;
16 THENCE South 89 deg. 18 min. 29 sec. West, with the North
17 line of said Jones 18.632 ac. , a distance of 293.17 ft. to a point at
18 the Northwest corner of said Jones 18.632 ac. ;
19 THENCE South 00 deg. 19 min. 05 sec. East, with the West line
20 of said Jones 18.632 ac. , a distance of 62.47 ft. to a 1/2 inch rebar
21 found at the Northwest base of a 48 inch tree at a fence corner, at
22 the Northeast corner of said Viola 133.814 ac. ;
23 THENCE South 00 deg. 24 min. 08 sec. East, continuing with the
24 West line of said Jones 18.632 ac. , a distance of 1,026.81 ft. to a
25 1/2 inch rebar found in the center of said County Road No. 290, at
26 the Southwest corner of said Jones 18.632 ac. , ;
27 THENCE South 89 deg. 26 min. 03 sec. West, with the center of

1 said County Road No. 290, a distance of 772.79 ft. to a 1/2 inch
2 rebar found at an Ell corner of said Viola 133.814 ac.;

3 THENCE South 00 deg. 16 min. 20 sec. West, continuing with the
4 center of said County Road No. 290, a distance of 1,686.94 ft. to a
5 1/2 inch rebar found at the most Southerly Southeast corner of said
6 Viola 133.814 ac.;

7 THENCE North 89 deg. 36 min. 49 sec. West, continuing with the
8 center of said County Road No. 290 and with the South line of said
9 Viola 133.814 ac., a distance of 798.24 ft. to a 1/2 inch rebar
10 found at the Northeast corner of the 10.669 ac. tract of land
11 conveyed to Delmore A. M. Church and Joyce Church in Volume 702,
12 Page 585, said Collin County Deed Records;

13 THENCE North 89 deg. 29 min. 33 sec. West, continuing with the
14 center of said County Road No. 290 and with the North line of said
15 Church 10.669 ac., a distance of 935.50 ft. to a point at the
16 Northwest corner of said Church 10.669 ac.;

17 THENCE South 00 deg. 17 min. 31 sec. East, with the West line
18 of said Church 10.669 ac., a distance of 5.80 ft. to a point at the
19 Northeast corner of the 103 ac. tract of land conveyed to James
20 Robert Thornton in Volume 1596, Page 467 and Volume 1599, Page 451,
21 said Collin County Deed Records;

22 THENCE North 89 deg. 44 min. 24 sec. West, with the center of
23 Collin County Road No. 1101, a public road, and with the North line
24 of said Thornton 103 ac., a distance of 118.58 ft. to a 1/2 inch
25 rebar set at the Southwest corner of said Viola 133.814 ac., at the
26 Southeast corner of the 40 ac. tract of land conveyed to James R.
27 Thornton in Volume 724, Page 884, said Collin County Deed Records;

1 THENCE North 00 deg. 10 min. 11 sec. East, with the West line
2 of said Viola 133.814 ac. and the East line of said Thornton 40 ac.,
3 a distance of 2,705.48 ft. to a point in the South line of the 77.17
4 ac. tract of land (Tract A) conveyed to MJW Partners, L. P. in
5 Volume 4458, Page 1303, said Collin County Deed Records, at the
6 Northwest corner of said Viola 133.814 ac., at the Northeast corner
7 of said Thornton 40 ac.;

8 THENCE North 88 deg. 39 min. 20 sec. East, with the South line
9 of said MJW Partners 77.17 ac. and the North line of said Viola
10 133.814 ac., a distance of 479.16 ft. to a point at the Southeast
11 corner of said MJW Partners 77.17 ac., at the most Southerly
12 Southwest corner of said 377.45 ac.;

13 THENCE North 00 deg. 31 min. 02 sec. East, with the West line
14 of said 377.45 ac. and the East line of said MJW Partners 77.17 ac.,
15 a distance of 450.50 ft. to an angle point;

16 THENCE North 00 deg. 51 min. 11 sec. East, continuing with the
17 West line of said 377.45 ac. and the East line of said MJW Partners
18 77.17 ac., a distance of 856.69 ft. to an angle point;

19 THENCE North 00 deg. 38 min. 27 sec. East, continuing with the
20 West line of said 377.45 ac. and the East line of said MJW Partners
21 77.17 ac., a distance of 1,265.62 ft. to a point at the most
22 Easterly Northeast corner of said MJW Partners 77.17 ac.;

23 THENCE North 89 deg. 34 min. 48 sec. West, with a North line
24 of said MJW Partners 77.17 ac. and a South line of said 377.45 ac., a
25 distance of 78.26 ft. to a point for an Ell corner of said 377.45
26 ac.;

27 THENCE North 00 deg. 49 min. 48 sec. West, with an East line

1 of said MJW Partners 77.17 ac. and a West line of said 377.45 ac.,
2 passing a Northeast corner of said MJW Partners 77.17 ac. and the
3 Southeast corner of the 2.46 ac. tract of land (Tract B) conveyed to
4 MJW Partners, L.B. in said Volume 4458, Page 1303, and continuing
5 now with the East line of said MJW Partners 2.46 ac. for a total
6 distance of 264.00 ft. to a point at the Northeast corner of said
7 MJW Properties 2.46 ac.;

8 THENCE North 89 deg. 34 min. 48 sec. West, with the North line
9 of said MJW Partners 2.46 ac. and a South line of said 377.45 ac., a
10 distance of 424.33 ft. to a point at the most Westerly Southwest
11 corner of said 377.45 ac., at the Northwest corner of said MJW
12 Partners 2.46 ac.;

13 THENCE North 00 deg. 03 min. 15 sec. West, entering the
14 pavement of Collin County Road No. 222, passing the most Easterly
15 Southeast corner of the 12.5 ac. tract of land (First Tract)
16 conveyed to Julie Elizabeth Fifer Hilbun in Volume 4753, Page 394,
17 said Collin County Deed Records, being the intersection of the
18 center of said Collin County Road No. 222 with the center of Collin
19 County Road No. 291 and continuing now with the center of said
20 Collin County Road No. 291, passing the Northeast corner of said
21 Hilbun 12.5 ac. and the most Easterly Southeast corner of the 89.74
22 ac. tract of land conveyed to Lee Brock and Michael Adams in Volume
23 4971, Page 3703, said Collin County Deed Records, a Northeast
24 corner of said Batterton Survey, the Southeast corner of said
25 Whitaker Survey, and continuing now with the East line of both said
26 Whitaker Survey and said Brock & Adams 89.74 ac. and the West line
27 of said Arnspiger Survey, passing the Northeast corner of said

1 Brock & Adams 89.74 ac. and the Southeast corner of the 113.35 ac.
2 tract of land conveyed to Claude T. Dowell and Betty M. Dowell in
3 Collin County Clerk File No. 96-0003539, and continuing now with
4 the East line of said Dowell 113.35 ac. for a total distance of
5 2,879.39 ft. to a PK nail at the Northwest corner of said 6.29 ac.,
6 at the Southwest corner of the 5.00 ac. tract of land conveyed to
7 Wood Family Trust in Volume 3910, Page 772, said Grayson County
8 Official Public Records, at the most Westerly Northwest corner of
9 the herein described tract;

10 THENCE South 88 deg. 53 min. 10 sec. East, with the South line
11 of said Wood Family Trust 5.00 ac., a distance of 573.19 ft. to a
12 point at the Southeast corner of said Wood Family Trust 5.00 ac., at
13 an Ell corner of said 6.29 ac.;

14 THENCE North 00 deg. 03 min. 10 sec. West, with the East line
15 of said Wood Family Trust 5.00 ac., a distance of 123.02 ft. to a
16 point in the North line said Collin County, the South line of
17 Grayson County, at the most Northerly Northwest corner of the
18 herein described tract;

19 THENCE South 88 deg. 01 min. 11 sec. East, with the North line
20 of said Collin County and the South line of said Grayson County,
21 over and across said Viola 377.45 ac., crossing an East line of said
22 Viola 377.45 ac. and a West line of said Viola 1,232.837 ac. and
23 continuing now over and across said Viola 1,232.837 ac. for a total
24 distance of 5,627.60 ft. to a point;

25 THENCE South 06 deg. 38 min. 18 sec. West, a distance of
26 259.52 ft.;

27 THENCE South 02 deg. 15 min. 16 sec. East, a distance of 87.99

1 ft. to a point in the center of County Road No. 290;

2 THENCE North 87 deg. 49 min. 46 sec. East, with the center of
3 said County Road No. 290, a distance of 1,121.68 ft. to a point at an
4 Ell corner;

5 THENCE North 17 deg. 08 min. 05 sec. East, continuing with the
6 center of said County Road No. 290, a distance of 274.78 ft. to a
7 point in the South line of said Grayson County, in the North line of
8 said Collin County;

9 THENCE South 88 deg. 01 min. 11 sec. East, continuing with the
10 center of said County Road No. 290, a distance of 918.91 ft. to the
11 PLACE OF BEGINNING and containing 1,245.36 ACRES of land;

12 LESS AND EXCEPT the tract described below.

13 SITUATED in the County of Collin, State of Texas, and being a
14 part of the Jonas Whitaker Survey, Abstract No. 981, being a part of
15 the E. T. Berry Survey, Abstract No. 41, and being all of the
16 property conveyed to D. E. Billups, lying in the E. T. Berry Survey,
17 and being all of the property conveyed to Geraldine Billups in
18 Volume 4831, Page 862, Collin County Deed Records, and being all of
19 the property conveyed to John Adams and Paul Adams in County Clerks
20 File No. 94-0083801, and being more particularly described as one
21 tract of land by metes and bounds as follows, to-wit:

22 BEGINNING at a point in the center of County Road No. 290, at
23 the Southwest corner of both said John & Paul Adams tract and the
24 herein described exception tract;

25 THENCE North 00 degrees 17 minutes 41 seconds West, with the
26 center of said County Road No. 290, a distance of 234.95 feet to a
27 point at the intersection of the center of said County Road No. 290

1 and County Road No. 222, at an angle point in the West line of the
2 herein described exception tract;

3 THENCE North 00 degrees 13 minutes 11 seconds West,
4 continuing with the center of said County Road No. 290, passing the
5 Northwest corner of said John & Paul Adams tract, and the Southwest
6 corner of said Geraldine Billups tract, passing the Northwest
7 corner of said Geraldine Billups tract and the Southwest corner of
8 said D. E. Billups tract and continuing now with the West line of
9 said D. E. Billups tract for a total distance of 612.61 feet to a
10 point at the Northwest corner of both said D. E. Billups tract and
11 the herein described exception tract;

12 THENCE North 89 degrees 37 minutes 36 seconds East, with the
13 North line of said D. E. Billups tract, a distance of 1,418.49 feet
14 to a point at the Northeast corner of both said D. E. Billups tract
15 and the herein described exception tract;

16 THENCE Southerly, with the East line of said D. E. Billups
17 tract, said Geraldine Billups tract and said John & Paul Adams
18 tract, the following calls and distances:

19 South 22 degrees 07 minutes 54 seconds East, a distance of
20 107.40 feet to a angle point;

21 South 36 degrees 30 minutes 12 seconds West, a distance of
22 123.56 feet to a angle point;

23 South 55 degrees 01 minutes 11 seconds East, a distance of
24 127.51 feet to a angle point;

25 South 09 degrees 13 minutes 07 seconds East, a distance of
26 307.63 feet to a angle point;

27 South 00 degrees 53 minutes 06 seconds West, a distance of

1 272.87 feet to a point at the Southeast corner of both said John &
2 Paul Adams tract and the herein described exception tract;

3 THENCE South 89 degrees 41 minutes 10 seconds West, with the
4 South line of said John & Paul Adams tract, a distance of 1,531.43
5 feet to the PLACE OF BEGINNING and containing 29.09 ACRES of land
6 less and excepted from the above described 1,245.36 ac. tract and
7 leaving a NET ACREAGE of 1,216.27 ACRES of land.

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

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

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

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

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 4751

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2009.