

By: Parker

H.B. No. 4752

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Prosper Management District No. 1;  
providing authority to impose a tax and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3886 to read as follows:

CHAPTER 3886. PROSPER MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3886.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Prosper Management District No. 1.

(4) "Improvement project" means any program or project authorized by Section 3886.103, inside or outside the district.

(5) "Town" means the Town of Prosper, Texas.

Sec. 3886.002. NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3886.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a,

1 Article III, and Section 59, Article XVI, Texas Constitution, and  
2 other powers granted under this chapter.

3 (c) The district is created to accomplish the purposes of a  
4 municipal management district as provided by general law and  
5 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
6 Texas Constitution.

7 (d) The creation of the district is in the public interest  
8 and is essential to:

9 (1) further the public purposes of developing and  
10 diversifying the economy of the state;

11 (2) eliminate unemployment and underemployment; and

12 (3) develop or expand transportation and commerce.

13 (e) The district will:

14 (1) promote the health, safety, and general welfare of  
15 residents, employers, employees, potential employees, visitors,  
16 and consumers in the district, and of the public;

17 (2) provide needed funding for the district to  
18 preserve, maintain, and enhance the economic health and vitality of  
19 the district territory as a community and business center; and

20 (3) promote the health, safety, welfare, and enjoyment  
21 of the public by providing pedestrian ways and by landscaping and  
22 developing certain areas in the district, which are necessary for  
23 the restoration, preservation, and enhancement of scenic beauty.

24 (f) Pedestrian ways along or across a street, whether at  
25 grade or above or below the surface, and street lighting, street  
26 landscaping, parking, and street art objects are parts of and  
27 necessary components of a street and are considered to be a street

1 or road improvement.

2 (g) The district will not act as the agent or  
3 instrumentality of any private interest even though the district  
4 will benefit many private interests as well as the public.

5 (h) This chapter and the creation of the district may not be  
6 interpreted to relieve the town, Collin County, or Denton County  
7 from providing the level of services provided as of the effective  
8 date of the Act creating this chapter to the area in the district.  
9 The district is created to supplement and not to supplant the town  
10 and county services provided in the district.

11 Sec. 3886.004. INITIAL DISTRICT TERRITORY. (a) The  
12 district is initially composed of the territory described by  
13 Section 2 of the Act creating this chapter.

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

18 (1) organization, existence, or validity;

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

22 (3) right to impose a tax; or

23 (4) legality or operation.

24 Sec. 3886.005. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

27 (1) a tax increment reinvestment zone created by the

1 town under Chapter 311, Tax Code;

2 (2) a tax abatement reinvestment zone created by the  
3 town under Chapter 312, Tax Code; or

4 (3) an enterprise zone created by the town under  
5 Chapter 2303, Government Code.

6 (b) If the town creates a tax increment reinvestment zone,  
7 tax abatement reinvestment zone, or enterprise zone under  
8 Subsection (a), the town and the board of directors of the zone, by  
9 contract with the district, may grant money deposited in the tax  
10 increment fund to the district to be used by the district for the  
11 purposes described by Section 380.002(b), Local Government Code,  
12 for money granted to a corporation under that section, including  
13 the right to pledge the money as security for any bonds issued by  
14 the district for an improvement project.

15 [Sections 3886.006-3886.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 3886.051. GOVERNING BODY; TERMS. (a) The district is  
18 governed by a board of five directors.

19 (b) Directors serve staggered four-year terms, with the  
20 terms of two or three directors expiring on June 1 of each  
21 odd-numbered year.

22 (c) The governing body of the town, by a majority vote,  
23 shall appoint one member of the board.

24 (d) The board shall recommend to the governing body of the  
25 town persons to serve in the other four positions. The board shall  
26 recommend to the governing body of the town the appropriate number  
27 of successor directors before the terms of directors appointed

1 under this subsection expire. After reviewing the recommendations,  
2 the governing body shall approve or disapprove the directors  
3 recommended by the board. If the governing body is not satisfied  
4 with the recommendations submitted by the board, the board, on the  
5 request of the governing body, shall submit additional  
6 recommendations.

7 (e) Board members may serve successive terms.

8 (f) If any provision of Subsection (c), (d), or (e) is found  
9 to be invalid, the Texas Commission on Environmental Quality shall  
10 appoint the board from recommendations submitted by the preceding  
11 board.

12 Sec. 3886.052. ELIGIBILITY. Except for a director  
13 appointed as provided by Section 3886.051(c) or 3886.056(a), to be  
14 eligible to serve as a director a person must own land in the  
15 district. Section 49.052, Water Code, applies to the district.

16 Sec. 3886.053. VACANCY. (a) The remaining directors shall  
17 fill a vacancy on the board by appointing a person who is eligible  
18 under Section 3886.052.

19 (b) If there are fewer than three directors, the governing  
20 body of the town shall appoint the necessary number of directors to  
21 fill all board vacancies.

22 Sec. 3886.054. DIRECTOR'S OATH AND AFFIRMATION. A  
23 director's oath and affirmation of office shall be filed with the  
24 district, and the district shall retain the oath and affirmation in  
25 the district records.

26 Sec. 3886.055. OFFICERS. The board shall elect from among  
27 the directors a chair, a vice chair, and a secretary.

1       Sec. 3886.056. INITIAL DIRECTORS. (a) The governing body  
2 of the town shall appoint one initial director not later than the  
3 90th day after the effective date of the Act creating the district.

4       (b) On or after the effective date of the Act creating the  
5 district, the owner or owners of a majority of the assessed value of  
6 the real property in the district may submit a petition to the  
7 governing body of the town requesting that the governing body  
8 appoint as additional initial directors the four persons named in  
9 the petition.

10       (c) If a petition described by Subsection (b) is not  
11 submitted to the governing body of the town not later than the 30th  
12 day after the effective date of the Act creating the district, the  
13 governing body shall appoint as initial directors four additional  
14 persons eligible under Section 3886.052.

15       (d) The four initial directors named in the petition  
16 described by Subsection (b) or appointed under Subsection (c) shall  
17 draw lots to determine which two directors shall serve two-year  
18 terms and which two directors shall serve four-year terms. The  
19 director appointed by the town under Subsection (a) shall serve a  
20 four-year term.

21       (e) This section expires September 1, 2013.

22       [Sections 3886.057-3886.100 reserved for expansion]

23                   SUBCHAPTER C. POWERS AND DUTIES

24       Sec. 3886.101. GENERAL POWERS AND DUTIES. The district has  
25 the powers and duties necessary to accomplish the purposes for  
26 which the district is created.

27       Sec. 3886.102. MUNICIPAL MANAGEMENT DISTRICT POWERS AND

1 DUTIES. (a) The district has the powers and duties provided by the  
2 general laws of this state, including Chapter 375, Local Government  
3 Code, as applicable to municipal management districts created under  
4 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
5 Texas Constitution.

6 (b) The district shall make available a district water or  
7 wastewater facility to each person who holds a certificate of  
8 convenience and necessity under Chapter 13, Water Code, for land in  
9 the district.

10 (c) The district may not provide retail water or wastewater  
11 services.

12 Sec. 3886.103. IMPROVEMENT PROJECTS. (a) Subject to  
13 Sections 3886.102(b) and (c), the district may provide, or it may  
14 enter into contracts with a governmental or private entity to  
15 provide, the following types of improvement projects located in the  
16 district or activities in support of or incidental to those  
17 projects:

18 (1) a supply and distribution facility or system to  
19 provide potable and town-approved nonpotable water to the residents  
20 and businesses of the district, including a wastewater collection  
21 facility;

22 (2) a paved road, street, or turnpike, inside and  
23 outside the district, to the extent authorized by Section 52,  
24 Article III, Texas Constitution;

25 (3) the planning, design, construction, improvement,  
26 and maintenance of:

27 (A) landscaping;

1                   (B) highway right-of-way or transit corridor  
2 beautification and improvement;

3                   (C) lighting, banners, and signs;

4                   (D) a street or sidewalk;

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

6                   (F) a pedestrian walkway, skywalk, crosswalk, or  
7 tunnel;

8                   (G) a park, lake, garden, recreational facility,  
9 sports facility, open space, scenic area, or related exhibit or  
10 preserve;

11                   (H) a fountain, plaza, or pedestrian mall; or

12                   (I) a drainage or storm-water detention  
13 improvement;

14                   (4) protection and improvement of the quality of storm  
15 water that flows through the district;

16                   (5) the planning, design, construction, improvement,  
17 maintenance, and operation of:

18                   (A) a water or sewer facility; or

19                   (B) an off-street parking facility or heliport;

20                   (6) the planning and acquisition of:

21                   (A) public art and sculpture and related exhibits  
22 and facilities; or

23                   (B) an educational and cultural exhibit or  
24 facility;

25                   (7) the planning, design, construction, acquisition,  
26 lease, rental, improvement, maintenance, installation, and  
27 management of and provision of furnishings for a facility for:

1           (A) a conference, convention, or exhibition;

2           (B) a manufacturer, consumer, or trade show;

3           (C) a civic, community, or institutional event;

4 or

5           (D) an exhibit, display, attraction, special  
6 event, or seasonal or cultural celebration or holiday;

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

9           (9) the acquisition and improvement of land or other  
10 property for the mitigation of the environmental effects of an  
11 improvement project;

12           (10) the acquisition of property or an interest in  
13 property in connection with an authorized improvement project;

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

18                   (A) advertising;

19                   (B) promotion;

20                   (C) tourism;

21                   (D) health and sanitation;

22                   (E) public safety;

23                   (F) security;

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

26                   (H) business recruitment;

27                   (I) development;

1           (J) elimination of traffic congestion; and

2           (K) recreational, educational, or cultural  
3 improvements, enhancements, and services; or

4           (12) any similar public improvement, facility, or  
5 service.

6           (b) Subject to Section 3886.104, the district may not  
7 undertake an improvement project under this section unless the  
8 board determines the project to be necessary to accomplish a public  
9 purpose of the district.

10           (c) An improvement project must comply with any applicable  
11 town requirements, including codes and ordinances and any planned  
12 development ordinance applicable to land in the district.

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

16           (e) Subject to an agreement between the district and the  
17 town, the town may:

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

21           (2) by ordinance, order, resolution, or other  
22 directive, authorize the district to own, encumber, maintain, and  
23 operate an improvement project, subject to the right of the town to  
24 order a conveyance of the improvement project to the town on a date  
25 determined by the town, provided, however, that if an improvement  
26 project is conveyed to the town, the improvement project will  
27 continue to be used to serve land in the district.

1 (f) The district shall immediately comply with any town  
2 ordinance, order, or resolution adopted under Subsection (e).

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

6 Sec. 3886.104. PROJECT DEVELOPMENT AGREEMENT  
7 REQUIRED. Before the district may issue bonds, impose taxes, or  
8 borrow money, the district and the town must negotiate and execute a  
9 mutually approved and accepted interlocal project development  
10 agreement regarding the district's development plans and rules for:

11 (1) the development and operation of the district; and

12 (2) the financing of improvement projects.

13 Sec. 3886.105. GENERAL POWERS REGARDING CONTRACTS. (a)  
14 The district may:

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

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

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

24 (2) apply for and contract with any person to receive,  
25 administer, and perform a duty or obligation of the district under a  
26 federal, state, local, or private gift, grant, loan, conveyance,  
27 transfer, bequest, or other financial assistance arrangement

1 relating to the investigation, planning, analysis, study, design,  
2 acquisition, construction, improvement, completion,  
3 implementation, or operation by the district or others of a  
4 proposed or existing improvement project.

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

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

13 (d) The governing body of the town must approve a contract  
14 payable from ad valorem taxes for a period longer than one year.

15 Sec. 3886.106. RULES; ENFORCEMENT. (a) The district may  
16 adopt rules:

17 (1) to administer or operate the district;

18 (2) for the use, enjoyment, availability, protection,  
19 security, and maintenance of the district's property and  
20 facilities; or

21 (3) to provide for public safety and security in the  
22 district.

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

24 (c) To the extent a district rule conflicts with a town  
25 rule, order, or regulation, the town rule, order, or regulation  
26 controls.

27 Sec. 3886.107. NAME CHANGE. The board by resolution may

1 change the district's name. The board shall give written notice of  
2 the change to the town.

3 Sec. 3886.108. ADDING OR REMOVING TERRITORY. The board may  
4 add or remove territory under Subchapter J, Chapter 49, Water Code,  
5 and Section 54.016, Water Code, except that:

6 (1) the addition or removal of the territory must be  
7 approved by:

8 (A) the governing body of the town; and

9 (B) the owners of the territory being added or  
10 removed;

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

14 (3) territory may not be removed from the district if  
15 bonds or other obligations of the district payable wholly or partly  
16 from ad valorem taxes on the territory are outstanding.

17 Sec. 3886.109. ECONOMIC DEVELOPMENT. The district may  
18 create economic development programs and exercise the economic  
19 development powers that Chapter 1509, Government Code, provides for  
20 a municipality.

21 Sec. 3886.110. NO EMINENT DOMAIN POWER. The district may  
22 not exercise the power of eminent domain.

23 Sec. 3886.111. TERMS OF EMPLOYMENT; COMPENSATION. The  
24 board may employ and establish the terms of employment and  
25 compensation of an executive director or general manager and any  
26 other district employees the board considers necessary.

27 [Sections 3886.112-3886.150 reserved for expansion]

1           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2           Sec. 3886.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
3 district may issue, without an election, bonds and other  
4 obligations secured by revenue or contract payments from any source  
5 other than ad valorem taxes.

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

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

14          Sec. 3886.152. BORROWING MONEY. The district may borrow  
15 money for a district purpose by issuing or executing bonds, notes,  
16 credit agreements, or other obligations of any kind found by the  
17 board to be necessary or appropriate for a district purpose. A  
18 note, bond, credit agreement, or other obligation must be secured  
19 by and payable from ad valorem taxes, assessments, or any other  
20 district revenue.

21          Sec. 3886.153. OPERATION AND MAINTENANCE TAX. (a) If  
22 authorized at an election held under Section 3886.151, the district  
23 may impose an operation and maintenance tax on taxable property in  
24 the district in accordance with Section 49.107, Water Code.

25          (b) Except as provided by Subsection (c), the district may  
26 impose the tax for operation and maintenance purposes, including  
27 for:

1           (1) planning, constructing, acquiring, maintaining,  
2 repairing, and operating all improvement projects, including land,  
3 plants, works, facilities, improvements, appliances, and equipment  
4 of the district; and

5           (2) paying costs of services, engineering and legal  
6 fees, and organization and administrative expenses.

7           (c) The district may not impose an operation and maintenance  
8 tax unless the maximum rate of the tax is approved by the governing  
9 body of the town and a majority of the voters of the district voting  
10 at an election held for that purpose. If the maximum tax rate is  
11 approved, the board may impose the tax at any rate that does not  
12 exceed the approved rate.

13           (d) An operation and maintenance tax election may be held at  
14 the same time and in conjunction with any other district election.  
15 The election may be called by a separate election order or as part  
16 of any other election order.

17           Sec. 3886.154. CONTRACT TAXES. (a) In accordance with  
18 Section 49.108, Water Code, the district may make payments under a  
19 contract from taxes other than operation and maintenance taxes  
20 after the provisions of the contract have been approved by a  
21 majority of the district voters voting at an election held for that  
22 purpose.

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

26           [Sections 3886.155-3886.200 reserved for expansion]

27           SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

1       Sec. 3886.201. AUTHORITY TO ISSUE BONDS AND OTHER  
2 OBLIGATIONS. The district may issue bonds or other obligations  
3 payable wholly or partly from ad valorem taxes, impact fees,  
4 revenue, contract payments, grants, sales and use taxes, revenue  
5 from a zone created under Chapter 311 or 312, Tax Code, or Chapter  
6 2303, Government Code, other district money, or any combination of  
7 those sources, to pay for any authorized district purpose.

8       Sec. 3886.202. TAXES FOR BONDS. (a) At the time the district  
9 issues bonds payable wholly or partly from ad valorem taxes, the  
10 board shall provide for the annual imposition of an ad valorem tax,  
11 without limit as to rate or amount, as required by Section 54.601,  
12 Water Code.

13       (b) The board shall annually impose the tax while all or  
14 part of the bonds are outstanding. Sections 54.601 and 54.602,  
15 Water Code, govern the amount and rate of the tax.

16       (c) The district annually shall impose the tax on all  
17 taxable property in the district in an amount sufficient to:

18               (1) pay the interest on the bonds or other obligations  
19 as the interest becomes due;

20               (2) create a sinking fund for the payment of the  
21 principal of the bonds or other obligations when due or the  
22 redemption price at any earlier required redemption date; and

23               (3) pay the expenses of imposing the tax.

24       (d) The district may not issue bonds or other obligations  
25 that are secured by and payable from ad valorem taxes unless the  
26 bonds and the imposition of taxes are approved by:

27               (1) a majority of the district voters voting at an

1 election for that purpose; and

2 (2) the governing body of the town.

3 (e) The district shall hold an election required by this  
4 section in the manner provided by Chapter 54, Water Code.

5 Sec. 3886.203. BOND ISSUANCE PLAN REQUIRED BEFORE ISSUING  
6 BONDS. The district may not issue bonds until the governing body of  
7 the town approves a bond issuance plan authorizing and prescribing  
8 the limitations on the issuance of the bonds.

9 Sec. 3886.204. BOND MATURITY. Bonds must mature not more  
10 than 40 years from their date of issuance.

11 Sec. 3886.205. 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 may not exceed  
14 one-fourth of the assessed value of the real property in the  
15 district.

16 [Sections 3886.206-3886.250 reserved for expansion]

17 SUBCHAPTER F. DISSOLUTION

18 Sec. 3886.251. DISSOLUTION BY TOWN ORDINANCE. (a) The town  
19 by ordinance may dissolve the district.

20 (b) The town may not dissolve the district until the  
21 district's outstanding indebtedness or contractual obligations  
22 that are payable from ad valorem taxes have been repaid or  
23 discharged.

24 (c) The town may not dissolve the district until the  
25 agreement under Section 3886.104 has been executed and the  
26 district's performance under the agreement has been fulfilled,  
27 including any right or obligation the district has to reimburse a

1 developer or owner for the costs of improvement projects.

2 (d) The town may not dissolve the district before December  
3 31, 2016.

4 Sec. 3886.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

5 (a) If the dissolved district has bonds or other obligations  
6 outstanding secured by and payable from assessments or other  
7 revenue, other than ad valorem taxes, the town shall succeed to the  
8 rights and obligations of the district regarding enforcement and  
9 collection of the assessments or other revenue.

10 (b) The town shall have and exercise all district powers to  
11 enforce and collect the assessments or other revenue to pay:

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

14 (2) special revenue or assessment bonds or other  
15 obligations issued by the town to refund the outstanding bonds or  
16 obligations.

17 Sec. 3886.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a)  
18 After the town dissolves the district, the town assumes the  
19 obligations of the district, including any bonds or other  
20 indebtedness payable from assessments or other district revenue.

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

23 SECTION 2. The Prosper Management District No. 1 initially  
24 includes all the territory contained in the following area:

25 BEING a tract of land out of the C. SMITH SURVEY, Abstract No.  
26 1681, the J. BATES SURVEY, Abstract No. 1620, the L. SALING SURVEY,  
27 Abstract No. 1675, the H.P. SALING SURVEY, Abstract No. 1628, the

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1 M.E.P. & P.R.R. SURVEY, Abstract No. 1476, the P. BARNES SURVEY,  
2 Abstract No. 79, the B. HADGES SURVEY, Abstract No. 593, the A.B.  
3 JAMISON SURVEY, Abstract No. 672, and the J. MORTON SURVEY,  
4 Abstract No. 793, in Denton County, Texas, and being part of the  
5 tract of land described in deed to Mahard 2003 Partnership, L.P.  
6 recorded in Denton County Clerk's File No. 2004-0014698 of the Real  
7 Property Records of Denton County, Texas, being all of the tract of  
8 land described in deed to Mahard Egg Farm, Inc. recorded in Volume  
9 1936, Page 145 of the Real Property Records of Denton County, Texas,  
10 being part of the tract of land described in deed to Mahard Egg  
11 Farm, Inc. recorded in Volume 1332, Page 176 of the Real Property  
12 Records of Denton County, Texas, being all of the tracts of land  
13 described in deed to Forest City Prosper, L.P. recorded in Denton  
14 County Clerk's File No. 2007-144196 and 2008-9958 of the Real  
15 Property Records of Denton County, Texas, being all of the tracts of  
16 land described in deed to Richard J. Bontke and Nathan P. Bontke  
17 recorded in Denton County Clerk's File No. 2007-144901 and  
18 2009-10359 of the Real Property Records of Denton County, Texas,  
19 and being more particularly described as follows:

20 BEGINNING at a TXDOT monument found in the north right-of-way  
21 line of U.S. Highway No. 380, said monument being the northeast  
22 corner of a tract of land described in deed to the State of Texas  
23 recorded in Volume 4769, Page 1768 of the Real Property Records of  
24 Denton County, Texas;

25 THENCE with said north right-of-way line, the following  
26 courses and distances to wit:

27 South 88°35'51" West, a distance of 3483.13 feet to a TXDOT

1 monument found;

2 North 46°16'16" West, a distance of 113.97 feet to a point in  
3 the west line of Good Hope Road (no dedication recordation found);

4 South 44°02'02" West, a distance of 114.30 feet to a TXDOT  
5 monument found;

6 South 88°35'51" West, a distance of 2062.12 feet to a 5/8"  
7 iron rod set for corner;

8 South 88°50'58" West, a distance of 100.00 feet to a 5/8" iron  
9 rod set for corner;

10 South 89°09'27" West, a distance of 22.39 feet to a 5/8" iron  
11 rod set for corner;

12 North 45°50'38" West, a distance of 111.42 feet to a pk nail  
13 set in the centerline of Gee Road (no dedication recordation  
14 found);

15 THENCE with said centerline, North 00°01'02" West, a distance  
16 of 1114.87 feet to a pk nail set;

17 THENCE with the easterly most north line of a 106.26 acre  
18 tract of land described in deed to Judy Gee recorded in Volume 3130,  
19 Page 794 of the Real Property Records of Denton County, Texas, part  
20 of the way, South 89°33'35" West, a distance of 1098.63 feet to a  
21 fence corner found;

22 THENCE along a fence, North 12°40'03" East, a distance of  
23 2150.51 feet to a fence corner found for the northwest corner of a  
24 5.34 acre tract of land described in deed to Mahard Egg Farm, Inc.  
25 recorded in Volume 1936, Page 145 of the Real Property Records of  
26 Denton County, Texas;

27 THENCE the following courses and distances to wit:

1 North 88°30'03" West, a distance of 451.90 feet to a 5/8" iron  
2 rod set for corner;

3 North 59°57'10" West, a distance of 66.21 feet to a 5/8" iron  
4 rod set for corner;

5 North 27°15'28" West, a distance of 207.89 feet to a 5/8" iron  
6 rod set for corner;

7 South 79°58'04" West, a distance of 116.69 feet to a 5/8" iron  
8 rod set for corner;

9 South 17°11'21" West, a distance of 12.96 feet to a 5/8" iron  
10 rod set for corner;

11 North 65°16'52" West, a distance of 66.04 feet to a 5/8" iron  
12 rod set for the northerly most corner of said 106.26 acre tract;

13 THENCE with the west lines of said 106.26 acre tract, the  
14 following courses and distances to wit:

15 South 31°55'38" West, a distance of 494.24 feet to a 5/8" iron  
16 rod set for corner;

17 South 57°52'02" East, a distance of 601.93 feet to a Corp of  
18 Engineers monument found;

19 South 31°24'02" West, a distance of 1854.30 feet to a Corp of  
20 Engineers monument found;

21 South 31°27'22" West, a distance of 302.61 feet to a 5/8" iron  
22 rod set for the northeast corner of a 0.78 acre tract of land  
23 described in deed to the City of Irving recorded in Volume 4871,  
24 Page 5128 of the Real Property Records of Denton County, Texas;

25 THENCE the lines of said 0.78 acre tract, the following  
26 courses and distances to wit:

27 North 73°29'41" West, a distance of 241.29 feet to a 1/2" iron

1 rod found for corner;

2 South 21°58'41" West, a distance of 181.00 feet to a 5/8" iron  
3 rod set for corner;

4 South 73°29'27" East, a distance of 67.00 feet to a 5/8" iron  
5 rod set for corner;

6 North 22°20'38" East, a distance of 41.52 feet to a 5/8" iron  
7 rod set for corner;

8 South 75°57'16" East, a distance of 152.12 feet to a 1/2" iron  
9 rod found in the west line of said 106.26 acre tract;

10 THENCE with said west line and along a fence part of the way,  
11 South 31°27'22" West, a distance of 877.59 feet to a 5/8" iron rod  
12 set for corner in the north right-of-way line of said U.S. Highway  
13 No. 380

14 THENCE with said north right-of-way line, North 88°48'55"  
15 West, a distance of 587.44 feet to a 5/8" iron rod set for the  
16 southeast corner of a 61.2 acre tract of land described in deed to  
17 M. Taylor Hansel recorded in Denton County Clerk's File No.  
18 94-R0091793 of the Real Property Records of Denton County, Texas;

19 THENCE with the east lines of said Hansel tract, the  
20 following courses and distances to wit:

21 North 08°56'01" East, a distance of 240.78 feet to a 5/8" iron  
22 rod set for corner;

23 North 55°59'01" East, a distance of 132.20 feet to a 5/8" iron  
24 rod set for corner;

25 South 20°18'01" West, a distance of 155.70 feet to a 5/8" iron  
26 rod set for corner;

27 South 80°49'59" East, a distance of 88.40 feet to a 5/8" iron

1 rod set for corner;  
2 North 45°13'01" East, a distance of 261.10 feet to a 5/8" iron  
3 rod set for corner;  
4 South 62°15'59" East, a distance of 216.20 feet to a 5/8" iron  
5 rod set for corner;  
6 North 15°04'01" East, a distance of 184.70 feet to a 5/8" iron  
7 rod set for corner;  
8 North 56°01'01" East, a distance of 183.40 feet to a 5/8" iron  
9 rod set for corner;  
10 North 18°07'01" East, a distance of 197.90 feet to a 5/8" iron  
11 rod set for corner;  
12 North 73°19'59" West, a distance of 688.80 feet to a Corp of  
13 Engineers monument found for the southeast corner of a 107.57 acre  
14 tract of land described in deed to Fish Trap Properties, Ltd.,  
15 recorded in Volume 4626, Page 2922 of the Real Property Records of  
16 Denton County, Texas;  
17 THENCE with the east lines of said 107.57 acre tract, the  
18 following courses and distances to wit:  
19 North 29°02'03" East, a distance of 67.81 feet to a 5/8" iron  
20 rod set for corner;  
21 North 22°04'26" East, a distance of 710.31 feet to a Corp of  
22 Engineers monument found;  
23 North 33°00'31" East, a distance of 221.33 feet to a Corp of  
24 Engineers monument found;  
25 North 58°30'15" West, a distance of 249.63 feet to a Corp of  
26 Engineers monument found for the southeast corner of a 43.07 acre  
27 tract of land described in deed to Billy Jeter recorded in Volume

1 2125, Page 729 of the Real Property Records of Denton County, Texas;

2       THENCE with the east lines of said 43.07 acre tract, the  
3 following courses and distances to wit:

4       North 07°55'24" East, a distance of 669.72 feet to a 5/8" iron  
5 rod set for corner;

6       South 75°24'16" East, a distance of 402.59 feet to a Corp of  
7 Engineers monument found;

8       North 19°28'37" West, a distance of 739.75 feet to a Corp of  
9 Engineers monument found;

10       North 35°34'01" East, a distance of 531.05 feet to a Corp of  
11 Engineers monument found;

12       North 02°04'22" West, a distance of 172.83 feet to a fence  
13 post found in the south line of a 57.55 acre tract of land described  
14 in deed to G&S Landscaping recorded in Volume 5114, Page 1398 of the  
15 Real Property Records of Denton County, Texas;

16       THENCE with said south line, South 77°28'43" East, a distance  
17 of 553.04 feet to a Corp of Engineers monument found;

18       THENCE with the east line of said 57.55 acre tract and the  
19 east line of two tracts of land described in deed to Mary Weber  
20 recorded in Denton County Clerk's File No. 94-R0031655 of the Real  
21 Property Records of Denton County, Texas, the following courses and  
22 distances to wit:

23       North 01°07'34" East, a distance of 278.92 feet to a 5/8" iron  
24 rod found;

25       North 01°04'49" East, a distance of 30.01 feet to the  
26 Centerline of Fishtrap Road (no dedication recordation found) for  
27 corner;

1           THENCE along said centerline, the following courses and  
2 distances to wit:

3           South 88°36'42" East, a distance of 398.70 feet to a point for  
4 corner;

5           South 86°31'27" East, a distance of 681.51 feet to a point for  
6 corner;

7           South 84°57'13" East, a distance of 292.72 feet to a point for  
8 corner;

9           South 86°02'50" East, a distance of 1675.46 feet to a point  
10 for corner;

11           South 87°19'45" East, a distance of 207.56 feet to a point for  
12 corner;

13           North 89°20'49" East, a distance of 1052.20 feet to a point  
14 for corner in the centerline of Fishtrap Road and the northwest  
15 corner of a tract of land described in deed to Judy Reeves ;

16           THENCE with the west line of said Reeves tract, South  
17 00°08'13" East, a distance of 231.70 feet to a 5/8" iron rod set for  
18 corner;

19           THENCE with the south line of said Reeves tract, North  
20 89°14'55" East, a distance of 940.90 feet to a 5/8" iron rod set for  
21 corner;

22           THENCE with the east line of said Reeves tract, North  
23 00°40'52" West, a distance of 234.76 point in the centerline of said  
24 Fish Trap Road;

25           THENCE along the centerline of said FishTrap Road, North  
26 89°04'04" East, a distance of 2699.77 feet to a point for corner in  
27 the centerline of Fields Road;

1           THENCE along said centerline, the following courses and  
2 distances to wit:

3           South 00°06'17" East, a distance of 1284.05 feet to a 5/8"  
4 iron rod set for corner;

5           South 00°06'37" West, a distance of 1042.41 feet to a 5/8"  
6 iron rod set for corner;

7           THENCE leaving the centerline of said Fields Road, South  
8 89°11'26" West, a distance of 21.20 feet to a 5/8" iron rod set in  
9 the west line of said Field Road;

10          THENCE with said west line, the following courses and  
11 distances to wit:

12          South 00°00'27" West, a distance of 1396.62 feet to a fence  
13 corner;

14          South 41°23'46" West, a distance of 87.55 feet to the POINT OF  
15 BEGINNING and containing 674.916 acres of land.

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

23          (b) The governor, one of the required recipients, has  
24 submitted the notice and Act to the Texas Commission on  
25 Environmental Quality.

26          (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act are fulfilled  
6 and accomplished.

7 SECTION 4. This Act takes effect September 1, 2009.