

By: Estes

S.B. No. 1337

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Van Alstyne Municipal Utility District No. 1 of Grayson 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 8311 to read as follows:

CHAPTER 8311. VAN ALSTYNE MUNICIPAL UTILITY DISTRICT NO. 1 OF
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8311.001. 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. 1 of Grayson County.

Sec. 8311.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8311.003. 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. 8311.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8311.003

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. 8311.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

6 (a) 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. 8311.006. 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 8311.007-8311.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8311.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8311.052, directors serve
5 staggered four-year terms.

6 Sec. 8311.052. 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 8311.003; 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 8311.003 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 8311.003; 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 8311.053-8311.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8311.101. 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. 8311.102. 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. 8311.103. 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. 8311.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road 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. 8311.105. 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. 8311.106. LIMITATION ON USE OF EMINENT DOMAIN.

17 (a) The district may not exercise the power of eminent domain
18 outside the district to acquire a site or easement for:

- 19 (1) a road project authorized by Section 8311.103; 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. 8311.107. 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 8311.003 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 8311.003.

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 8311.004 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. 8311.108. 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 8311.109-8311.150 reserved for expansion]

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8311.151. ELECTIONS REGARDING TAXES OR BONDS.

24 (a) The 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 8311.153.

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. 8311.152. OPERATION AND MAINTENANCE TAX. (a) If
10 authorized at an election held under Section 8311.151, 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. 8311.153. 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 8311.154-8311.200 reserved for expansion]

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26 Sec. 8311.201. 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. 8311.202. 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. 8311.203. 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. 1
17 of Grayson County initially includes all the territory contained in
18 the following area:

19 SITUATED in the County of Grayson, State of Texas, and being a
20 part of the following Surveys in Grayson County: the A. Cartwright
21 Survey, Abstract No. 251, the D. Arnspiger Survey, Abstract No.
22 1526, the J. W. Curtis Survey, Abstract No. 249, and being a part of
23 the 1232.837 ac. tract of land conveyed to Vincent Viola by W. Mark
24 David by Special Warranty Deed dated July 30, 2001 and recorded in
25 Volume 4987, Page 726, Deed Records, Collin County, Texas, and
26 being all of the 93.158 ac. tract of land (Tract 1) conveyed to
27 Vincent J. Viola by Don S. Flesher by Warranty Deed dated September

1 10, 2004 and recorded in Volume 5766, Page 6210, said Collin County
2 Deed Records, and being a part of the 377.45 ac. tract of land
3 conveyed to Vincent J. Viola by Thornton Farm Partnership, Ltd. by
4 Special Warranty Deed with Vendor's Lien dated September 22, 2005
5 and recorded in Volume 6010, Page 3310, said Collin County Deed
6 Records, and being all of the 57.410 ac. tract of land conveyed to
7 Vincent J. Viola by Mary Jo Flesher by deed dated September 28, 2004
8 and recorded in Volume 3741, Page 324, Official Public Records,
9 Grayson County, Texas, and being more particularly described as one
10 tract of land by metes and bounds as follows, to-wit:

11 BEGINNING at a PK nail with flasher set in the center of
12 Cartwright Road, a public road, at the Northeast corner of said
13 93.158 ac.;

14 THENCE South 00 deg. 04 min. 44 sec. West, a distance of
15 1,274.28 ft. to a 1/2 inch rebar set at the Southeast corner of said
16 93.158 ac.;

17 THENCE North 89 deg. 02 min. 38 sec. East, a distance of
18 606.85 ft. to a point in the center of a creek;

19 THENCE Southerly, with the center of a creek, the following
20 calls and distances:

21 South 67 deg. 24 min. 09 sec. East, a distance of 96.92 ft.;

22 South 44 deg. 30 min. 54 sec. East, a distance of 275.27 ft.;

23 South 13 deg. 01 min. 43 sec. West, a distance of 60.69 ft.;

24 South 53 deg. 45 min. 22 sec. East, a distance of 169.73 ft.;

25 South 13 deg. 51 min. 14 sec. West, a distance of 42.13 ft.;

26 South 52 deg. 44 min. 16 sec. West, a distance of 54.38 ft.;

27 South 52 deg. 04 min. 16 sec. East, a distance of 108.52 ft.;

1 South 42 deg. 56 min. 51 sec. West, a distance of 101.20 ft.;
2 South 48 deg. 21 min. 36 sec. East, a distance of 27.24 ft.;
3 South 73 deg. 17 min. 05 sec. East, a distance of 155.79 ft.;
4 South 19 deg. 23 min. 21 sec. West, a distance of 125.73 ft.;
5 South 80 deg. 52 min. 27 sec. West, a distance of 104.51 ft.;
6 South 07 deg. 25 min. 59 sec. East, a distance of 58.92 ft.;
7 South 54 deg. 16 min. 47 sec. East, a distance of 115.97 ft.;
8 South 17 deg. 17 min. 58 sec. West, a distance of 117.31 ft.;
9 North 81 deg. 16 min. 54 sec. East, a distance of 120.12 ft.;
10 South 13 deg. 01 min. 53 sec. West, a distance of 243.69 ft.;
11 South 35 deg. 58 min. 28 sec. West, a distance of 112.27 ft.;
12 South 80 deg. 11 min. 50 sec. West, a distance of 117.77 ft.;
13 South 21 deg. 09 min. 50 sec. East, a distance of 112.59 ft.;
14 South 67 deg. 09 min. 09 sec. East, a distance of 185.00 ft.;
15 South 61 deg. 01 min. 33 sec. West, a distance of 167.09 ft.;
16 South 58 deg. 56 min. 39 sec. West, a distance of 192.59 ft.;
17 South 10 deg. 41 min. 54 sec. West, a distance of 278.81 ft.;
18 South 25 deg. 43 min. 05 sec. East, a distance of 105.57 ft.;
19 South 39 deg. 41 min. 48 sec. East, a distance of 143.93 ft.;
20 South 06 deg. 38 min. 18 sec. West, a distance of 92.08 ft. to
21 a point in the South line of Grayson County, the North line of
22 Collin County, at the Southeast corner of the herein described
23 tract;

24 THENCE North 88 deg. 01 min. 11 sec. West, with the South line
25 of said Grayson County and the North line of said Collin County,
26 over and across said Viola 1,232.837 ac., crossing an East line of
27 said Viola 377.45 ac. and a West line of said Viola 1,232.837 ac.

1 and continuing now over and across said Viola 377.45 ac. for a total
2 distance of 5,627.60 ft. to a point in the East line of the 5.00 ac.
3 tract of land conveyed to the Wood Family Trust in Volume 3910, Page
4 772, said Grayson County Official Public Records, at the most
5 Southerly Southwest corner of the herein described tract;

6 THENCE North 00 deg. 03 min. 10 sec. West, with the East line
7 of said Wood Family Trust 5.00 ac., a distance of 271.80 ft. to a
8 point in the South line of the 82.41 ac. tract of land conveyed to
9 Don S. Flesher in Volume 2350, Page 194, Real Property Records,
10 Grayson County, Texas, at the Northeast corner of said Wood Family
11 Trust 5.00 ac.;

12 THENCE South 89 deg. 37 min. 54 sec. West, with the South line
13 of said Viola 57.410 ac. and the North line of said Wood Family
14 Trust 5.00 ac., a distance of 573.09 ft. to a point in the center of
15 said Collin County Road No. 291 (also known as Eagle Point Road in
16 Grayson County), in the East line of said Dowell 113.35 ac., at the
17 Southwest corner of said Viola 57.410 ac.;

18 THENCE North 00 deg. 20 min. 09 sec. West, with the center of
19 said Eagle Point Road and the East line of said Dowell 113.35 ac., a
20 distance of 397.96 ft. to a spike nail found at the Northeast corner
21 of said Dowell 113.35 ac., at the Southeast corner of the 30 ac.
22 tract of land conveyed to Craig Turczynski and Rosa Turczynski in
23 Volume 2850, Page 817, said Grayson County Official Public Records;

24 THENCE North 00 deg. 15 min. 10 sec. West, continuing with the
25 center of said Eagle Point Road, the East line of said Turczynski 30
26 ac., passing the Northeast corner of said Turczynski 30 ac. and the
27 Southeast corner of the 20.05 ac. tract of land conveyed to Jay

1 Thompson and Ann Thompson in Volume 2795, Page 789, said Official
2 Public Records, and continuing now with the East line of said
3 Thompson 20.05 ac. for a total distance of 1,023.15 ft. to a spike
4 nail found at the Northeast corner of said Thompson 20.05 ac., at
5 the Southeast corner of the 20.03 ac. tract of land conveyed to Jay
6 A. Thompson and Ann E. Thompson in Volume 2598, Page 460, said
7 Grayson County Official Public Records;

8 THENCE North 00 deg. 39 min. 44 sec. West, continuing with the
9 center of said Eagle Point Road, and with the East line of both said
10 Thompson 20.03 ac. and said Whitaker Survey, passing the Northeast
11 corner of both said Thompson 20.03 ac. and said Whitaker Survey, the
12 Southeast corner of said Wheeler Survey, the Southwest corner of
13 said Cartwright Survey and the Northwest corner of said Arnspiger
14 Survey, and continuing now with the East line of said Wheeler Survey
15 and the West line of both said Flesher 82.41 ac. and said Cartwright
16 Survey for a total distance of 988.71 ft. to a 1/2 inch rebar found
17 at the centerline intersection of Cartwright Road, a public road,
18 and said Eagle Point Road, at the Southwest corner of the 38.271 ac.
19 tract of land conveyed to Gary C. Crim and Sidney A. Crim in Volume
20 2077, Page 545, said Real Property Records;

21 THENCE South 87 deg. 19 min. 13 sec. East, with the center of
22 said Cartwright Road and the South line of said Crim 38.271 ac., a
23 distance of 275.36 ft. to an angle point in the South line of said
24 Crim 38.271 ac.;

25 THENCE South 70 deg. 28 min. 16 sec. East, continuing with the
26 center of said Cartwright Road and the South line of said Crim
27 38.271 ac., a distance of 551.48 ft. to an angle point in the South

1 line of said Crim 38.271 ac.;

2 THENCE South 83 deg. 33 min. 52 sec. East, continuing with the
3 center of said Cartwright Road and with the South line of said Crim
4 38.271 ac., leaving the pavement of said Cartwright Road at about
5 657 ft., and continuing for a total distance of 717.54 ft. to a 1/2
6 inch rebar set in the West line of the 144.168 ac. tract of land
7 (Tract IV) conveyed to Coit North Properties, Inc. in Volume 1677,
8 Page 218, Deed Records, Grayson County, Texas, at the Southeast
9 corner of said Crim 38.271 ac.;

10 THENCE South 00 deg. 50 min. 27 sec. East, with the West line
11 of said Coit North Properties 144.168 ac., a distance of 306.87 ft.
12 to a 1/2 inch rebar set in the South line of said Cartwright Survey,
13 Abstract No. 251, in the North line of said Arnspiger Survey,
14 Abstract No. 1526, at the Southwest corner of said Coit North
15 Properties 144.168 ac.;

16 THENCE North 89 deg. 45 min. 50 sec. East, with the South line
17 of said Coit North Properties 144.168 ac., a distance of 49.98 ft.
18 to a 8 inch wood corner post at the most Easterly Northeast corner
19 of said Viola 22.597 ac., at the Northwest corner of the 10.025 ac.
20 tract of land conveyed to Sisong Phromkharanourak, Sombath Manivanh
21 Bounchanh Thammavongsa in Volume 2138, Page 314, said Real Property
22 Records;

23 THENCE South 00 deg. 23 min. 32 sec. East, with the general
24 course of a wire fence maintaining the West line of said
25 Phromkharanourak, et al 10.025 ac., a distance of 1,669.81 ft. to a
26 point 1/2 inch rebar set at the Southwest corner of said
27 Phromkharanourak, et al 10.025 ac., at a Northwest corner of said

1 Viola 377.45 ac.;

2 THENCE South 89 deg. 14 min. 15 sec. East, with the North line
3 of said 377.45 ac. and with the South line of said Phromkharanourak,
4 Manivanh and Thammavongsa 10.025 ac., passing a cross-tie corner
5 post at the Southeast corner of said Phromkharanourak, Manivanh and
6 Thammavongsa 10.025 ac. and the Southwest corner of the 10.000 ac.
7 tract of land conveyed to Joseph D. Losh and Nancy D. Losh in Volume
8 2393, Page 36, said Grayson County Real Property Records at 264.77
9 ft., and continuing for a total distance of 782.37 ft. to a 12 inch
10 wood corner post at the Southwest corner of the 9.930 ac. tract of
11 land conveyed to M. J. Presley and Allison M. Presley in Volume
12 2355, Page 611, said Grayson County Real Property Records;

13 THENCE South 89 deg. 32 min. 03 sec. East, with the North line
14 of said 377.45 ac. and with the South line of said Presley 9.930
15 ac., passing the Southeast corner of said Presley 9.930 ac. and the
16 Southwest corner of the 9.371 ac. tract of land conveyed to Mark
17 Michina and Debbie Michina in Volume 2244, Page 388, said Grayson
18 County Real Property Records and continuing for a total distance of
19 634.03 ft. to a 2 inch pipe found;

20 THENCE South 89 deg. 23 min. 59 sec. East, with the North line
21 of said 377.45 ac., passing a 2 inch pipe found at the Southwest
22 corner of the 15.29 ac. tract of land conveyed to Vincent Chen and
23 Lay-Wah Khoo in Volume 2109, Page 281, said Grayson County Real
24 Property Records, and continuing now with the South line of said
25 Chen & Khoo 15.29 ac for a total distance of 645.85 ft. to a 1/2 inch
26 rebar set at the Southeast corner of said Chen & Khoo 15.29 ac.;

27 THENCE North 00 deg. 32 min. 03 sec. West, with the East line

1 of said Chen & Khoo 15.29 ac., a distance of 1,691.73 ft. to a spike
2 nail found in the center of said Cartwright Road, at the Northeast
3 corner of said Chen & Khoo 15.29 ac., at an angle point in the South
4 line of said 93.158 ac.;

5 THENCE South 89 deg. 52 min. 43 sec. West, with the center of
6 said Cartwright Road and the South line of said 93.158 ac., a
7 distance of 995.39 ft. to a 3/8 inch rebar found at the Southwest
8 corner of said 93.158 ac., at the most Southerly Southeast corner of
9 the 144.168 ac. tract of land (Tract IV) conveyed to Coit North
10 Properties, Inc. in Volume 1677, Page 218, Deed Records, Grayson
11 County, Texas;

12 THENCE North 00 deg. 27 min. 48 sec. East, with the West line
13 of said 93.158 ac. and the East line of said Coit North Properties
14 144.168 ac., a distance of 2,021.18 ft. to a 1/2 inch rebar set the
15 Northwest corner of said 93.158 ac., at an Ell corner of said Coit
16 North Properties 144.168 ac.;

17 THENCE South 89 deg. 59 min. 12 sec. East, with a North line
18 of said 93.158 ac. and a South line of said Coit North Properties
19 144.168 ac, passing a Southeast corner of said Coit North
20 Properties 144.168 ac and the Southwest corner of the 80.749 ac.
21 tract of land (Tract I) conveyed to Coit North Properties in said
22 Volume 1677, Page 218 and continuing now with the South line of said
23 Coit North Properties 80.749 ac. for a total distance of 885.58 ft.
24 to a 1/2 inch rebar set at the Northwest corner of the 30.0468 ac.
25 tract of land conveyed to James E. Tillett and Rachel D. Tillett in
26 Volume 1509, Page 183, said Grayson County Deed Records, at the most
27 Northerly Northeast corner of said 93.158 ac.;

1 THENCE South 00 deg. 27 min. 44 sec. West, with an East line
2 of said 93.158 ac. and the West line of said Tillett 30.0468 ac., a
3 distance of 739.44 ft. to a 1/2 inch rebar set at the Southwest
4 corner of said Tillett 30.0468 ac., at an Ell corner of said 93.158
5 ac.;

6 THENCE South 89 deg. 59 min. 06 sec. East, with a North line
7 of said 93.158 ac. and the South line of said Tillett 30.0468 ac., a
8 distance of 1,772.58 ft. to the PLACE OF BEGINNING and containing
9 338.39 ACRES of land.

10 SITUATED in the County of Grayson, State of Texas, and being a
11 part of the J. W. Curtis Survey, Abstract No. 1077, and being all of
12 the 4.518 ac. tract of land (Tract 8) conveyed to Vincent Viola by
13 W. Mark David by Special Warranty Deed dated July 30, 2001 and
14 recorded in Volume 4987, Page 697, Deed Records, Collin County,
15 Texas, and being all of the 22.11 ac. tract of land conveyed to
16 Vincent Viola by W. Mark David by Assumption Deed dated July 30,
17 2001 and recorded in Volume 3118, Page 51, Official Public Records,
18 Grayson County, Texas, and being more particularly described as one
19 tract of land by metes and bounds as follows, to-wit:

20 BEGINNING at a point in the center of a public road, at the
21 Southeast corner of said Viola Tract 8;

22 THENCE North 87 deg. 59 min. 48 sec. West, with the South line
23 of said Viola Tract 8, a distance of 175.02 ft. to a point in the
24 East right-of-way line of U. S. Highway No. 75, at the beginning of
25 a curve;

26 THENCE Northwesterly, with the East right-of-way line of said
27 U. S. Highway No. 75 and with a non-tangent curve to the right

1 having a radius of 190.00 ft. and a central angle of 83 deg. 30 min.
2 07 sec. (chord bears North 46 deg. 06 min. 10 sec. West, 253.04
3 ft.), an arc distance of 276.90 ft. to a point at the end of said
4 curve;

5 THENCE North 04 deg. 21 min. 09 sec. West, continuing with the
6 East right-of-way line of said U. S. Highway No. 75, a distance of
7 374.17 ft. to a point at the Northwest corner of said Viola Tract 8,
8 at the Southwest corner of said Viola 22.11 ac., at the beginning of
9 a curve;

10 THENCE Northerly, continuing with the East right-of-way line
11 of said U. S. Highway No. 75 and with a non-tangent curve to the left
12 having a radius of 11,644.16 ft. and a central angle of 02 deg. 05
13 min. 55 sec. (chord bears North 06 deg. 33 min. 40 sec. West, 426.47
14 ft.), an arc distance of 426.50 ft. to a point at the end of said
15 curve;

16 THENCE North 13 deg. 03 min. 12 sec. West, continuing with the
17 East right-of-way line of said U. S. Highway No. 75, a distance of
18 305.53 ft. to a point at the beginning of a curve;

19 THENCE Northerly, continuing with the East right-of-way line
20 of said U. S. Highway No. 75 and with a non-tangent curve to the left
21 having a radius of 11,619.16 ft. and a central angle of 04 deg. 46
22 min. 21 sec. (chord bears North 11 deg. 29 min. 47 sec. West, 967.55
23 ft.), an arc distance of 967.83 ft. to a point at the Northwest
24 corner of said Viola 22.11 ac.;

25 THENCE North 89 deg. 38 min. 17 sec. East, with the North line
26 of said Viola 22.11 ac., a distance of 775.13 ft. to a point in the
27 center of said public road, at the Northeast corner of said Viola

1 22.11 ac.;

2 THENCE South 02 deg. 02 min. 37 sec. West, with the center of
3 said public road and with the East line of said Viola 22.11 ac., a
4 distance of 1,688.54 ft. to a point at the Southeast corner of said
5 Viola 22.11 ac., at the Northeast corner of said Viola Tract 8;

6 THENCE South 01 deg. 58 min. 32 sec. West, continuing with the
7 center of said public road and with the East line of said Viola
8 Tract 8, a distance of 541.86 ft. to the PLACE OF BEGINNING and
9 containing 26.55 ACRES of land.

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

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

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

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

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