

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. (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. 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 commission requesting that the  
4 commission appoint as successor temporary directors the five  
5 persons named in the petition. The commission shall appoint as  
6 successor temporary directors the five persons named in the  
7 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 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. 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. The  
17 district may not exercise the power of eminent domain outside the  
18 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 Sec. 8311.107. DIVISION OF DISTRICT. (a) The district may  
23 be divided into two or more new districts only if the district:

- 24 (1) has no outstanding bonded debt; and  
25 (2) is not imposing ad valorem taxes.

26 (b) This chapter applies to any new district created by the  
27 division of the district, and a new district has all the powers and

1 duties of the district.

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

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

10 (e) The board may adopt an order dividing the district  
11 before or after the date the board holds an election under Section  
12 8311.003 to confirm the district's creation.

13 (f) An order dividing the district shall:

14 (1) name each new district;

15 (2) include the metes and bounds description of the  
16 territory of each new district;

17 (3) appoint temporary directors for each new district;

18 and

19 (4) provide for the division of assets and liabilities  
20 between or among the new districts.

21 (g) On or before the 30th day after the date of adoption of  
22 an order dividing the district, the district shall file the order  
23 with the Texas Commission on Environmental Quality and record the  
24 order in the real property records of each county in which the  
25 district is located.

26 (h) Any new district created by the division of the district  
27 shall hold a confirmation and directors' election as required by

1 Section 8311.003.

2 (i) Municipal consent to the creation of the district and to  
3 the inclusion of land in the district granted under Section  
4 8311.004 acts as municipal consent to the creation of any new  
5 district created by the division of the district and to the  
6 inclusion of land in the new district.

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

11 [Sections 8311.108-8311.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 8311.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
14 district may issue, without an election, bonds and other  
15 obligations secured by:

- 16 (1) revenue other than ad valorem taxes; or  
17 (2) contract payments described by Section 8311.153.

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

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

26 Sec. 8311.152. OPERATION AND MAINTENANCE TAX. (a) If  
27 authorized at an election held under Section 8311.151, the district

1 may impose an operation and maintenance tax on taxable property in  
2 the district in accordance with Section 49.107, Water Code.

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

5 Sec. 8311.153. CONTRACT TAXES. (a) In accordance with  
6 Section 49.108, Water Code, the district may impose a tax other than  
7 an operation and maintenance tax and use the revenue derived from  
8 the tax to make payments under a contract after the provisions of  
9 the contract have been approved by a majority of the district voters  
10 voting at an election held for that purpose.

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

14 [Sections 8311.154-8311.200 reserved for expansion]

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 8311.201. AUTHORITY TO ISSUE BONDS AND OTHER  
17 OBLIGATIONS. The district may issue bonds or other obligations  
18 payable wholly or partly from ad valorem taxes, impact fees,  
19 revenue, contract payments, grants, or other district money, or any  
20 combination of those sources, to pay for any authorized district  
21 purpose.

22 Sec. 8311.202. TAXES FOR BONDS. At the time the district  
23 issues bonds payable wholly or partly from ad valorem taxes, the  
24 board shall provide for the annual imposition of a continuing  
25 direct ad valorem tax, without limit as to rate or amount, while all  
26 or part of the bonds are outstanding as required and in the manner  
27 provided by Sections 54.601 and 54.602, Water Code.



1       Sec. 8311.203. BONDS FOR ROAD PROJECTS. At the time of  
2 issuance, the total principal amount of bonds or other obligations  
3 issued or incurred to finance road projects and payable from ad  
4 valorem taxes may not exceed one-fourth of the assessed value of the  
5 real property in the district.

6       SECTION 2. The Van Alstyne Municipal Utility District No. 1  
7 initially includes all the territory contained in the following  
8 area:

9       **SITUATED** in the County of Grayson, State of Texas, and being a  
10 part of the following Surveys in Grayson County: the A. Cartwright  
11 Survey, Abstract No. 251, the D. Arnspiger Survey, Abstract No.  
12 1526, the J. W. Curtis Survey, Abstract No. 249, and being a part of  
13 the 1232.837 ac. tract of land conveyed to Vincent Viola by W. Mark  
14 David by Special Warranty Deed dated July 30, 2001 and recorded in  
15 Volume 4987, Page 726, Deed Records, Collin County, Texas, and  
16 being all of the 93.158 ac. tract of land (Tract 1) conveyed to  
17 Vincent J. Viola by Don S. Flesher by Warranty Deed dated September  
18 10, 2004 and recorded in Volume 5766, Page 6210, said Collin County  
19 Deed Records, and being a part of the 377.45 ac. tract of land  
20 conveyed to Vincent J. Viola by Thornton Farm Partnership, Ltd. by  
21 Special Warranty Deed with Vendor's Lien dated September 22, 2005  
22 and recorded in Volume 6010, Page 3310, said Collin County Deed  
23 Records, and being all of the 57.410 ac. tract of land conveyed to  
24 Vincent J. Viola by Mary Jo Flesher by deed dated September 28, 2004  
25 and recorded in Volume 3741, Page 324, Official Public Records,  
26 Grayson County, Texas, and being more particularly described as one  
27 tract of land by metes and bounds as follows, to-wit:

1           **BEGINNING** at a PK nail with flasher set in the center of  
2 Cartwright Road, a public road, at the Northeast corner of said  
3 93.158 ac.;

4           **THENCE** South 00 deg. 04 min. 44 sec. West, a distance of  
5 1,274.28 ft. to a 1/2 inch rebar set at the Southeast corner of said  
6 93.158 ac.;

7           **THENCE** North 89 deg. 02 min. 38 sec. East, a distance of  
8 606.85 ft. to a point in the center of a creek;

9           **THENCE** Southerly, with the center of a creek, the following  
10 calls and distances:

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

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

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

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

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

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

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

18           South 42 deg. 56 min. 51 sec. West, a distance of 101.20 ft.;

19           South 48 deg. 21 min. 36 sec. East, a distance of 27.24 ft.;

20           South 73 deg. 17 min. 05 sec. East, a distance of 155.79 ft.;

21           South 19 deg. 23 min. 21 sec. West, a distance of 125.73 ft.;

22           South 80 deg. 52 min. 27 sec. West, a distance of 104.51 ft.;

23           South 07 deg. 25 min. 59 sec. East, a distance of 58.92 ft.;

24           South 54 deg. 16 min. 47 sec. East, a distance of 115.97 ft.;

25           South 17 deg. 17 min. 58 sec. West, a distance of 117.31 ft.;

26           North 81 deg. 16 min. 54 sec. East, a distance of 120.12 ft.;

27           South 13 deg. 01 min. 53 sec. West, a distance of 243.69 ft.;

1 South 35 deg. 58 min. 28 sec. West, a distance of 112.27 ft.;  
2 South 80 deg. 11 min. 50 sec. West, a distance of 117.77 ft.;  
3 South 21 deg. 09 min. 50 sec. East, a distance of 112.59 ft.;  
4 South 67 deg. 09 min. 09 sec. East, a distance of 185.00 ft.;  
5 South 61 deg. 01 min. 33 sec. West, a distance of 167.09 ft.;  
6 South 58 deg. 56 min. 39 sec. West, a distance of 192.59 ft.;  
7 South 10 deg. 41 min. 54 sec. West, a distance of 278.81 ft.;  
8 South 25 deg. 43 min. 05 sec. East, a distance of 105.57 ft.;  
9 South 39 deg. 41 min. 48 sec. East, a distance of 143.93 ft.;  
10 South 06 deg. 38 min. 18 sec. West, a distance of 92.08 ft. to  
11 a point in the South line of Grayson County, the North line of  
12 Collin County, at the Southeast corner of the herein described  
13 tract;

14 **THENCE** North 88 deg. 01 min. 11 sec. West, with the South line  
15 of said Grayson County and the North line of said Collin County,  
16 over and across said Viola 1,232.837 ac., crossing an East line of  
17 said Viola 377.45 ac. and a West line of said Viola 1,232.837 ac.  
18 and continuing now over and across said Viola 377.45 ac. for a total  
19 distance of 5,627.60 ft. to a point in the East line of the 5.00 ac.  
20 tract of land conveyed to the Wood Family Trust in Volume 3910, Page  
21 772, said Grayson County Official Public Records, at the most  
22 Southerly Southwest corner of the herein described tract;

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

1 Trust 5.00 ac.;

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

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

14       **THENCE** North 00 deg. 15 min. 10 sec. West, continuing with the  
15 center of said Eagle Point Road, the East line of said Turczynski 30  
16 ac., passing the Northeast corner of said Turczynski 30 ac. and the  
17 Southeast corner of the 20.05 ac. tract of land conveyed to Jay  
18 Thompson and Ann Thompson in Volume 2795, Page 789, said Official  
19 Public Records, and continuing now with the East line of said  
20 Thompson 20.05 ac. for a total distance of 1,023.15 ft. to a spike  
21 nail found at the Northeast corner of said Thompson 20.05 ac., at  
22 the Southeast corner of the 20.03 ac. tract of land conveyed to Jay  
23 A. Thompson and Ann E. Thompson in Volume 2598, Page 460, said  
24 Grayson County Official Public Records;

25       **THENCE** North 00 deg. 39 min. 44 sec. West, continuing with the  
26 center of said Eagle Point Road, and with the East line of both said  
27 Thompson 20.03 ac. and said Whitaker Survey, passing the Northeast

1 corner of both said Thompson 20.03 ac. and said Whitaker Survey, the  
2 Southeast corner of said Wheeler Survey, the Southwest corner of  
3 said Cartwright Survey and the Northwest corner of said Arnspiger  
4 Survey, and continuing now with the East line of said Wheeler Survey  
5 and the West line of both said Flesher 82.41 ac. and said Cartwright  
6 Survey for a total distance of 988.71 ft. to a 1/2 inch rebar found  
7 at the centerline intersection of Cartwright Road, a public road,  
8 and said Eagle Point Road, at the Southwest corner of the 38.271 ac.  
9 tract of land conveyed to Gary C. Crim and Sidney A. Crim in Volume  
10 2077, Page 545, said Real Property Records;

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

15 **THENCE** South 70 deg. 28 min. 16 sec. East, continuing with the  
16 center of said Cartwright Road and the South line of said Crim  
17 38.271 ac., a distance of 551.48 ft. to an angle point in the South  
18 line of said Crim 38.271 ac.;

19 **THENCE** South 83 deg. 33 min. 52 sec. East, continuing with the  
20 center of said Cartwright Road and with the South line of said Crim  
21 38.271 ac., leaving the pavement of said Cartwright Road at about  
22 657 ft., and continuing for a total distance of 717.54 ft. to a 1/2  
23 inch rebar set in the West line of the 144.168 ac. tract of land  
24 (Tract IV) conveyed to Coit North Properties, Inc. in Volume 1677,  
25 Page 218, Deed Records, Grayson County, Texas, at the Southeast  
26 corner of said Crim 38.271 ac.;

27 **THENCE** South 00 deg. 50 min. 27 sec. East, with the West line

1 of said Coit North Properties 144.168 ac., a distance of 306.87 ft.  
2 to a 1/2 inch rebar set in the South line of said Cartwright Survey,  
3 Abstract No. 251, in the North line of said Arnspiger Survey,  
4 Abstract No. 1526, at the Southwest corner of said Coit North  
5 Properties 144.168 ac.;

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

13 **THENCE** South 00 deg. 23 min. 32 sec. East, with the general  
14 course of a wire fence maintaining the West line of said  
15 Phromkharanourak, et al 10.025 ac., a distance of 1,669.81 ft. to a  
16 point 1/2 inch rebar set at the Southwest corner of said  
17 Phromkharanourak, et al 10.025 ac., at a Northwest corner of said  
18 Viola 377.45 ac.;

19 **THENCE** South 89 deg. 14 min. 15 sec. East, with the North line  
20 of said 377.45 ac. and with the South line of said Phromkharanourak,  
21 Manivanh and Thammavongsa 10.025 ac., passing a cross-tie corner  
22 post at the Southeast corner of said Phromkharanourak, Manivanh and  
23 Thammavongsa 10.025 ac. and the Southwest corner of the 10.000 ac.  
24 tract of land conveyed to Joseph D. Losh and Nancy D. Losh in Volume  
25 2393, Page 36, said Grayson County Real Property Records at 264.77  
26 ft., and continuing for a total distance of 782.37 ft. to a 12 inch  
27 wood corner post at the Southwest corner of the 9.930 ac. tract of

1 land conveyed to M. J. Presley and Allison M. Presley in Volume  
2 2355, Page 611, said Grayson County Real Property Records;

3 **THENCE** South 89 deg. 32 min. 03 sec. East, with the North line  
4 of said 377.45 ac. and with the South line of said Presley 9.930  
5 ac., passing the Southeast corner of said Presley 9.930 ac. and the  
6 Southwest corner of the 9.371 ac. tract of land conveyed to Mark  
7 Michina and Debbie Michina in Volume 2244, Page 388, said Grayson  
8 County Real Property Records and continuing for a total distance of  
9 634.03 ft. to a 2 inch pipe found;

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

17 **THENCE** North 00 deg. 32 min. 03 sec. West, with the East line  
18 of said Chen & Khoo 15.29 ac., a distance of 1,691.73 ft. to a spike  
19 nail found in the center of said Cartwright Road, at the Northeast  
20 corner of said Chen & Khoo 15.29 ac., at an angle point in the South  
21 line of said 93.158 ac.;

22 **THENCE** South 89 deg. 52 min. 43 sec. West, with the center of  
23 said Cartwright Road and the South line of said 93.158 ac., a  
24 distance of 995.39 ft. to a 3/8 inch rebar found at the Southwest  
25 corner of said 93.158 ac., at the most Southerly Southeast corner of  
26 the 144.168 ac. tract of land (Tract IV) conveyed to Coit North  
27 Properties, Inc. in Volume 1677, Page 218, Deed Records, Grayson

1 County, Texas;

2 **THENCE** North 00 deg. 27 min. 48 sec. East, with the West line  
3 of said 93.158 ac. and the East line of said Coit North Properties  
4 144.168 ac., a distance of 2,021.18 ft. to a 1/2 inch rebar set the  
5 Northwest corner of said 93.158 ac., at an Ell corner of said Coit  
6 North Properties 144.168 ac.;

7 **THENCE** South 89 deg. 59 min. 12 sec. East, with a North line  
8 of said 93.158 ac. and a South line of said Coit North Properties  
9 144.168 ac, passing a Southeast corner of said Coit North  
10 Properties 144.168 ac and the Southwest corner of the 80.749 ac.  
11 tract of land (Tract I) conveyed to Coit North Properties in said  
12 Volume 1677, Page 218 and continuing now with the South line of said  
13 Coit North Properties 80.749 ac. for a total distance of 885.58 ft.  
14 to a 1/2 inch rebar set at the Northwest corner of the 30.0468 ac.  
15 tract of land conveyed to James E. Tillett and Rachel D. Tillett in  
16 Volume 1509, Page 183, said Grayson County Deed Records, at the most  
17 Northerly Northeast corner of said 93.158 ac.;

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

23 **THENCE** South 89 deg. 59 min. 06 sec. East, with a North line  
24 of said 93.158 ac. and the South line of said Tillett 30.0468 ac., a  
25 distance of 1,772.58 ft. to the **PLACE OF BEGINNING** and containing  
26 **338.39 ACRES** of land.

27 **SITUATED** in the County of Grayson, State of Texas, and being a



1 part of the J. W. Curtis Survey, Abstract No. 1077, and being all of  
2 the 4.518 ac. tract of land (Tract 8) conveyed to Vincent Viola by  
3 W. Mark David by Special Warranty Deed dated July 30, 2001 and  
4 recorded in Volume 4987, Page 697, Deed Records, Collin County,  
5 Texas, and being all of the 22.11 ac. tract of land conveyed to  
6 Vincent Viola by W. Mark David by Assumption Deed dated July 30,  
7 2001 and recorded in Volume 3118, Page 51, Official Public Records,  
8 Grayson County, Texas, and being more particularly described as one  
9 tract of land by metes and bounds as follows, to-wit:

10       **BEGINNING** at a point in the center of a public road, at the  
11 Southeast corner of said Viola Tract 8;

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

16       **THENCE** Northwesterly, with the East right-of-way line of said  
17 U. S. Highway No. 75 and with a non-tangent curve to the right  
18 having a radius of 190.00 ft. and a central angle of 83 deg. 30 min.  
19 07 sec. (chord bears North 46 deg. 06 min. 10 sec. West, 253.04  
20 ft.), an arc distance of 276.90 ft. to a point at the end of said  
21 curve;

22       **THENCE** North 04 deg. 21 min. 09 sec. West, continuing with the  
23 East right-of-way line of said U. S. Highway No. 75, a distance of  
24 374.17 ft. to a point at the Northwest corner of said Viola Tract 8,  
25 at the Southwest corner of said Viola 22.11 ac., at the beginning of  
26 a curve;

27       **THENCE** Northerly, continuing with the East right-of-way line

1 of said U. S. Highway No. 75 and with a non-tangent curve to the left  
2 having a radius of 11,644.16 ft. and a central angle of 02 deg. 05  
3 min. 55 sec. (chord bears North 06 deg. 33 min. 40 sec. West, 426.47  
4 ft.), an arc distance of 426.50 ft. to a point at the end of said  
5 curve;

6 **THENCE** North 13 deg. 03 min. 12 sec. West, continuing with the  
7 East right-of-way line of said U. S. Highway No. 75, a distance of  
8 305.53 ft. to a point at the beginning of a curve;

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

15 **THENCE** North 89 deg. 38 min. 17 sec. East, with the North line  
16 of said Viola 22.11 ac., a distance of 775.13 ft. to a point in the  
17 center of said public road, at the Northeast corner of said Viola  
18 22.11 ac.;

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

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

27 SECTION 3. (a) The legal notice of the intention to

1 introduce this Act, setting forth the general substance of this  
2 Act, has been published as provided by law, and the notice and a  
3 copy of this Act have been furnished to all persons, agencies,  
4 officials, or entities to which they are required to be furnished  
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6 Government Code.

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

10 (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor, the  
12 lieutenant governor, and the speaker of the house of  
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

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