

1-1 By: Estes S.B. No. 1337
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1337 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Van Alstyne Municipal Utility
1-11 District No. 1 of Grayson County; providing authority to impose a
1-12 tax and issue bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8311 to read as follows:

1-16 CHAPTER 8311. VAN ALSTYNE MUNICIPAL UTILITY DISTRICT NO. 1 OF
1-17 GRAYSON COUNTY

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8311.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the district's board of directors.

1-21 (2) "Director" means a board member.

1-22 (3) "District" means the Van Alstyne Municipal Utility
1-23 District No. 1 of Grayson County.

1-24 Sec. 8311.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district created under Section 59, Article XVI,
1-26 Texas Constitution.

1-27 Sec. 8311.003. CONFIRMATION AND DIRECTORS' ELECTION
1-28 REQUIRED. The temporary directors shall hold an election to
1-29 confirm the creation of the district and to elect five permanent
1-30 directors as provided by Section 49.102, Water Code.

1-31 Sec. 8311.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-32 temporary directors may not hold an election under Section 8311.003
1-33 until each municipality in whose corporate limits or
1-34 extraterritorial jurisdiction the district is located has
1-35 consented by ordinance or resolution to the creation of the
1-36 district and to the inclusion of land in the district.

1-37 Sec. 8311.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-38 (a) The district is created to serve a public purpose and benefit.

1-39 (b) The district is created to accomplish the purposes of:

1-40 (1) a municipal utility district as provided by
1-41 general law and Section 59, Article XVI, Texas Constitution; and

1-42 (2) Section 52, Article III, Texas Constitution, that
1-43 relate to the construction, acquisition, improvement, operation,
1-44 or maintenance of macadamized, graveled, or paved roads, or
1-45 improvements, including storm drainage, in aid of those roads.

1-46 Sec. 8311.006. INITIAL DISTRICT TERRITORY. (a) The
1-47 district is initially composed of the territory described by
1-48 Section 2 of the Act creating this chapter.

1-49 (b) The boundaries and field notes contained in Section 2 of
1-50 the Act creating this chapter form a closure. A mistake made in the
1-51 field notes or in copying the field notes in the legislative process
1-52 does not affect the district's:

1-53 (1) organization, existence, or validity;

1-54 (2) right to issue any type of bond for the purposes
1-55 for which the district is created or to pay the principal of and
1-56 interest on a bond;

1-57 (3) right to impose a tax; or

1-58 (4) legality or operation.

1-59 [Sections 8311.007-8311.050 reserved for expansion]

1-60 SUBCHAPTER B. BOARD OF DIRECTORS

1-61 Sec. 8311.051. GOVERNING BODY; TERMS. (a) The district is
1-62 governed by a board of five elected directors.

1-63 (b) Except as provided by Section 8311.052, directors serve

2-1 staggered four-year terms.
 2-2 Sec. 8311.052. TEMPORARY DIRECTORS. (a) On or after the
 2-3 effective date of the Act creating this chapter, the owner or owners
 2-4 of a majority of the assessed value of the real property in the
 2-5 district may submit a petition to the Texas Commission on
 2-6 Environmental Quality requesting that the commission appoint as
 2-7 temporary directors the five persons named in the petition. The
 2-8 commission shall appoint as temporary directors the five persons
 2-9 named in the petition.

2-10 (b) Temporary directors serve until the earlier of:
 2-11 (1) the date permanent directors are elected under
 2-12 Section 8311.003; or
 2-13 (2) the fourth anniversary of the effective date of
 2-14 the Act creating this chapter.

2-15 (c) If permanent directors have not been elected under
 2-16 Section 8311.003 and the terms of the temporary directors have
 2-17 expired, successor temporary directors shall be appointed or
 2-18 reappointed as provided by Subsection (d) to serve terms that
 2-19 expire on the earlier of:

2-20 (1) the date permanent directors are elected under
 2-21 Section 8311.003; or
 2-22 (2) the fourth anniversary of the date of the
 2-23 appointment or reappointment.

2-24 (d) If Subsection (c) applies, the owner or owners of a
 2-25 majority of the assessed value of the real property in the district
 2-26 may submit a petition to the Texas Commission on Environmental
 2-27 Quality requesting that the commission appoint as successor
 2-28 temporary directors the five persons named in the petition. The
 2-29 commission shall appoint as successor temporary directors the five
 2-30 persons named in the petition.

2-31 [Sections 8311.053-8311.100 reserved for expansion]

2-32 SUBCHAPTER C. POWERS AND DUTIES

2-33 Sec. 8311.101. GENERAL POWERS AND DUTIES. The district has
 2-34 the powers and duties necessary to accomplish the purposes for
 2-35 which the district is created.

2-36 Sec. 8311.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-37 DUTIES. The district has the powers and duties provided by the
 2-38 general law of this state, including Chapters 49 and 54, Water Code,
 2-39 applicable to municipal utility districts created under Section 59,
 2-40 Article XVI, Texas Constitution.

2-41 Sec. 8311.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-42 52, Article III, Texas Constitution, the district may design,
 2-43 acquire, construct, finance, issue bonds for, improve, operate,
 2-44 maintain, and convey to this state, a county, or a municipality for
 2-45 operation and maintenance macadamized, graveled, or paved roads, or
 2-46 improvements, including storm drainage, in aid of those roads.

2-47 Sec. 8311.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-48 road project must meet all applicable construction standards,
 2-49 zoning and subdivision requirements, and regulations of each
 2-50 municipality in whose corporate limits or extraterritorial
 2-51 jurisdiction the road project is located.

2-52 (b) If a road project is not located in the corporate limits
 2-53 or extraterritorial jurisdiction of a municipality, the road
 2-54 project must meet all applicable construction standards,
 2-55 subdivision requirements, and regulations of each county in which
 2-56 the road project is located.

2-57 (c) If the state will maintain and operate the road, the
 2-58 Texas Transportation Commission must approve the plans and
 2-59 specifications of the road project.

2-60 Sec. 8311.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 2-61 OR RESOLUTION. The district shall comply with all applicable
 2-62 requirements of any ordinance or resolution that is adopted under
 2-63 Section 54.016 or 54.0165, Water Code, and that consents to the
 2-64 creation of the district or to the inclusion of land in the
 2-65 district.

2-66 Sec. 8311.106. LIMITATION ON USE OF EMINENT DOMAIN.

2-67 (a) The district may not exercise the power of eminent domain
 2-68 outside the district to acquire a site or easement for:

2-69 (1) a road project authorized by Section 8311.103; or

3-1 (2) a recreational facility as defined by Section
3-2 49.462, Water Code.

3-3 (b) The district may not exercise the power of eminent
3-4 domain in the corporate limits of the City of Van Alstyne unless the
3-5 city has consented by ordinance or resolution to that exercise of
3-6 eminent domain authority.

3-7 Sec. 8311.107. DIVISION OF DISTRICT. (a) The district may
3-8 be divided into two or more new districts only if:

- 3-9 (1) the district has no outstanding bonded debt;
- 3-10 (2) the district is not imposing ad valorem taxes; and
- 3-11 (3) the City of Van Alstyne has consented by ordinance
3-12 or resolution to the division of the district.

3-13 (b) This chapter applies to any new district created by the
3-14 division of the district, and a new district has all the powers and
3-15 duties of the district.

3-16 (c) Any new district created by the division of the district
3-17 may not, at the time the new district is created, contain any land
3-18 outside the area described by Section 2 of the Act creating this
3-19 chapter.

3-20 (d) The board, on its own motion or on receipt of a petition
3-21 signed by the owner or owners of a majority of the assessed value of
3-22 the real property in the district, may adopt an order dividing the
3-23 district.

3-24 (e) The board may adopt an order dividing the district
3-25 before or after the date the board holds an election under Section
3-26 8311.003 to confirm the district's creation.

3-27 (f) An order dividing the district shall:

- 3-28 (1) name each new district;
- 3-29 (2) include the metes and bounds description of the
3-30 territory of each new district;
- 3-31 (3) appoint temporary directors for each new district;

3-32 and
3-33 (4) provide for the division of assets and liabilities
3-34 between or among the new districts.

3-35 (g) On or before the 30th day after the date of adoption of
3-36 an order dividing the district, the district shall file the order
3-37 with the Texas Commission on Environmental Quality and record the
3-38 order in the real property records of each county in which the
3-39 district is located.

3-40 (h) Any new district created by the division of the district
3-41 shall hold a confirmation and directors' election as required by
3-42 Section 8311.003.

3-43 (i) Subject to Subsection (a), municipal consent to the
3-44 creation of the district and to the inclusion of land in the
3-45 district granted under Section 8311.004 acts as municipal consent
3-46 to the creation of any new district created by the division of the
3-47 district and to the inclusion of land in the new district.

3-48 (j) Any new district created by the division of the district
3-49 must hold an election as required by this chapter to obtain voter
3-50 approval before the district may impose a maintenance tax or issue
3-51 bonds payable wholly or partly from ad valorem taxes.

3-52 Sec. 8311.108. LIMITATION ON ANNEXATION. The district may
3-53 not annex any territory outside the area described by Section 2 of
3-54 the Act creating this chapter unless the City of Van Alstyne has
3-55 consented by ordinance or resolution to the annexation.

3-56 [Sections 8311.109-8311.150 reserved for expansion]

3-57 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-58 Sec. 8311.151. ELECTIONS REGARDING TAXES OR BONDS.

3-59 (a) The district may issue, without an election, bonds and other
3-60 obligations secured by:

- 3-61 (1) revenue other than ad valorem taxes; or
- 3-62 (2) contract payments described by Section 8311.153.

3-63 (b) The district must hold an election in the manner
3-64 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-65 before the district may impose an ad valorem tax or issue bonds
3-66 payable from ad valorem taxes.

3-67 (c) The district may not issue bonds payable from ad valorem
3-68 taxes to finance a road project unless the issuance is approved by a
3-69 vote of a two-thirds majority of the district voters voting at an

4-1 election held for that purpose.
4-2 Sec. 8311.152. OPERATION AND MAINTENANCE TAX. (a) If
4-3 authorized at an election held under Section 8311.151, the district
4-4 may impose an operation and maintenance tax on taxable property in
4-5 the district in accordance with Section 49.107, Water Code.

4-6 (b) The board shall determine the tax rate. The rate may not
4-7 exceed the rate approved at the election.

4-8 Sec. 8311.153. CONTRACT TAXES. (a) In accordance with
4-9 Section 49.108, Water Code, the district may impose a tax other than
4-10 an operation and maintenance tax and use the revenue derived from
4-11 the tax to make payments under a contract after the provisions of
4-12 the contract have been approved by a majority of the district voters
4-13 voting at an election held for that purpose.

4-14 (b) A contract approved by the district voters may contain a
4-15 provision stating that the contract may be modified or amended by
4-16 the board without further voter approval.

4-17 [Sections 8311.154-8311.200 reserved for expansion]

4-18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-19 Sec. 8311.201. AUTHORITY TO ISSUE BONDS AND OTHER
4-20 OBLIGATIONS. The district may issue bonds or other obligations
4-21 payable wholly or partly from ad valorem taxes, impact fees,
4-22 revenue, contract payments, grants, or other district money, or any
4-23 combination of those sources, to pay for any authorized district
4-24 purpose.

4-25 Sec. 8311.202. TAXES FOR BONDS. At the time the district
4-26 issues bonds payable wholly or partly from ad valorem taxes, the
4-27 board shall provide for the annual imposition of a continuing
4-28 direct ad valorem tax, without limit as to rate or amount, while all
4-29 or part of the bonds are outstanding as required and in the manner
4-30 provided by Sections 54.601 and 54.602, Water Code.

4-31 Sec. 8311.203. BONDS FOR ROAD PROJECTS. At the time of
4-32 issuance, the total principal amount of bonds or other obligations
4-33 issued or incurred to finance road projects and payable from ad
4-34 valorem taxes may not exceed one-fourth of the assessed value of the
4-35 real property in the district.

4-36 SECTION 2. The Van Alstyne Municipal Utility District No. 1
4-37 of Grayson County initially includes all the territory contained in
4-38 the following area:

4-39 SITUATED in the County of Grayson, State of Texas, and being a
4-40 part of the following Surveys in Grayson County: the A. Cartwright
4-41 Survey, Abstract No. 251, the D. Arnspiger Survey, Abstract No.
4-42 1526, the J. W. Curtis Survey, Abstract No. 249, and being a part of
4-43 the 1232.837 ac. tract of land conveyed to Vincent Viola by W. Mark
4-44 David by Special Warranty Deed dated July 30, 2001 and recorded in
4-45 Volume 4987, Page 726, Deed Records, Collin County, Texas, and
4-46 being all of the 93.158 ac. tract of land (Tract 1) conveyed to
4-47 Vincent J. Viola by Don S. Flesher by Warranty Deed dated September
4-48 10, 2004 and recorded in Volume 5766, Page 6210, said Collin County
4-49 Deed Records, and being a part of the 377.45 ac. tract of land
4-50 conveyed to Vincent J. Viola by Thornton Farm Partnership, Ltd. by
4-51 Special Warranty Deed with Vendor's Lien dated September 22, 2005
4-52 and recorded in Volume 6010, Page 3310, said Collin County Deed
4-53 Records, and being all of the 57.410 ac. tract of land conveyed to
4-54 Vincent J. Viola by Mary Jo Flesher by deed dated September 28, 2004
4-55 and recorded in Volume 3741, Page 324, Official Public Records,
4-56 Grayson County, Texas, and being more particularly described as one
4-57 tract of land by metes and bounds as follows, to-wit:

4-58 BEGINNING at a PK nail with flasher set in the center of
4-59 Cartwright Road, a public road, at the Northeast corner of said
4-60 93.158 ac.;

4-61 THENCE South 00 deg. 04 min. 44 sec. West, a distance of
4-62 1,274.28 ft. to a 1/2 inch rebar set at the Southeast corner of said
4-63 93.158 ac.;

4-64 THENCE North 89 deg. 02 min. 38 sec. East, a distance of
4-65 606.85 ft. to a point in the center of a creek;

4-66 THENCE Southerly, with the center of a creek, the following
4-67 calls and distances:

4-68 South 67 deg. 24 min. 09 sec. East, a distance of 96.92 ft.;

4-69 South 44 deg. 30 min. 54 sec. East, a distance of 275.27 ft.;

5-1 South 13 deg. 01 min. 43 sec. West, a distance of 60.69 ft.;
 5-2 South 53 deg. 45 min. 22 sec. East, a distance of 169.73 ft.;
 5-3 South 13 deg. 51 min. 14 sec. West, a distance of 42.13 ft.;
 5-4 South 52 deg. 44 min. 16 sec. West, a distance of 54.38 ft.;
 5-5 South 52 deg. 04 min. 16 sec. East, a distance of 108.52 ft.;
 5-6 South 42 deg. 56 min. 51 sec. West, a distance of 101.20 ft.;
 5-7 South 48 deg. 21 min. 36 sec. East, a distance of 27.24 ft.;
 5-8 South 73 deg. 17 min. 05 sec. East, a distance of 155.79 ft.;
 5-9 South 19 deg. 23 min. 21 sec. West, a distance of 125.73 ft.;
 5-10 South 80 deg. 52 min. 27 sec. West, a distance of 104.51 ft.;
 5-11 South 07 deg. 25 min. 59 sec. East, a distance of 58.92 ft.;
 5-12 South 54 deg. 16 min. 47 sec. East, a distance of 115.97 ft.;
 5-13 South 17 deg. 17 min. 58 sec. West, a distance of 117.31 ft.;
 5-14 North 81 deg. 16 min. 54 sec. East, a distance of 120.12 ft.;
 5-15 South 13 deg. 01 min. 53 sec. West, a distance of 243.69 ft.;
 5-16 South 35 deg. 58 min. 28 sec. West, a distance of 112.27 ft.;
 5-17 South 80 deg. 11 min. 50 sec. West, a distance of 117.77 ft.;
 5-18 South 21 deg. 09 min. 50 sec. East, a distance of 112.59 ft.;
 5-19 South 67 deg. 09 min. 09 sec. East, a distance of 185.00 ft.;
 5-20 South 61 deg. 01 min. 33 sec. West, a distance of 167.09 ft.;
 5-21 South 58 deg. 56 min. 39 sec. West, a distance of 192.59 ft.;
 5-22 South 10 deg. 41 min. 54 sec. West, a distance of 278.81 ft.;
 5-23 South 25 deg. 43 min. 05 sec. East, a distance of 105.57 ft.;
 5-24 South 39 deg. 41 min. 48 sec. East, a distance of 143.93 ft.;
 5-25 South 06 deg. 38 min. 18 sec. West, a distance of 92.08 ft. to
 5-26 a point in the South line of Grayson County, the North line of
 5-27 Collin County, at the Southeast corner of the herein described
 5-28 tract;
 5-29 THENCE North 88 deg. 01 min. 11 sec. West, with the South line
 5-30 of said Grayson County and the North line of said Collin County,
 5-31 over and across said Viola 1,232.837 ac., crossing an East line of
 5-32 said Viola 377.45 ac. and a West line of said Viola 1,232.837 ac.
 5-33 and continuing now over and across said Viola 377.45 ac. for a total
 5-34 distance of 5,627.60 ft. to a point in the East line of the 5.00 ac.
 5-35 tract of land conveyed to the Wood Family Trust in Volume 3910, Page
 5-36 772, said Grayson County Official Public Records, at the most
 5-37 Southerly Southwest corner of the herein described tract;
 5-38 THENCE North 00 deg. 03 min. 10 sec. West, with the East line
 5-39 of said Wood Family Trust 5.00 ac., a distance of 271.80 ft. to a
 5-40 point in the South line of the 82.41 ac. tract of land conveyed to
 5-41 Don S. Flesher in Volume 2350, Page 194, Real Property Records,
 5-42 Grayson County, Texas, at the Northeast corner of said Wood Family
 5-43 Trust 5.00 ac.;
 5-44 THENCE South 89 deg. 37 min. 54 sec. West, with the South line
 5-45 of said Viola 57.410 ac. and the North line of said Wood Family
 5-46 Trust 5.00 ac., a distance of 573.09 ft. to a point in the center of
 5-47 said Collin County Road No. 291 (also known as Eagle Point Road in
 5-48 Grayson County), in the East line of said Dowell 113.35 ac., at the
 5-49 Southwest corner of said Viola 57.410 ac.;
 5-50 THENCE North 00 deg. 20 min. 09 sec. West, with the center of
 5-51 said Eagle Point Road and the East line of said Dowell 113.35 ac., a
 5-52 distance of 397.96 ft. to a spike nail found at the Northeast corner
 5-53 of said Dowell 113.35 ac., at the Southeast corner of the 30 ac.
 5-54 tract of land conveyed to Craig Turczynski and Rosa Turczynski in
 5-55 Volume 2850, Page 817, said Grayson County Official Public Records;
 5-56 THENCE North 00 deg. 15 min. 10 sec. West, continuing with the
 5-57 center of said Eagle Point Road, the East line of said Turczynski 30
 5-58 ac., passing the Northeast corner of said Turczynski 30 ac. and the
 5-59 Southeast corner of the 20.05 ac. tract of land conveyed to Jay
 5-60 Thompson and Ann Thompson in Volume 2795, Page 789, said Official
 5-61 Public Records, and continuing now with the East line of said
 5-62 Thompson 20.05 ac. for a total distance of 1,023.15 ft. to a spike
 5-63 nail found at the Northeast corner of said Thompson 20.05 ac., at
 5-64 the Southeast corner of the 20.03 ac. tract of land conveyed to Jay
 5-65 A. Thompson and Ann E. Thompson in Volume 2598, Page 460, said
 5-66 Grayson County Official Public Records;
 5-67 THENCE North 00 deg. 39 min. 44 sec. West, continuing with the
 5-68 center of said Eagle Point Road, and with the East line of both said
 5-69 Thompson 20.03 ac. and said Whitaker Survey, passing the Northeast

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

6-11 THENCE South 87 deg. 19 min. 13 sec. East, with the center of
 6-12 said Cartwright Road and the South line of said Crim 38.271 ac., a
 6-13 distance of 275.36 ft. to an angle point in the South line of said
 6-14 Crim 38.271 ac.;

6-15 THENCE South 70 deg. 28 min. 16 sec. East, continuing with the
 6-16 center of said Cartwright Road and the South line of said Crim
 6-17 38.271 ac., a distance of 551.48 ft. to an angle point in the South
 6-18 line of said Crim 38.271 ac.;

6-19 THENCE South 83 deg. 33 min. 52 sec. East, continuing with the
 6-20 center of said Cartwright Road and with the South line of said Crim
 6-21 38.271 ac., leaving the pavement of said Cartwright Road at about
 6-22 657 ft., and continuing for a total distance of 717.54 ft. to a 1/2
 6-23 inch rebar set in the West line of the 144.168 ac. tract of land
 6-24 (Tract IV) conveyed to Coit North Properties, Inc. in Volume 1677,
 6-25 Page 218, Deed Records, Grayson County, Texas, at the Southeast
 6-26 corner of said Crim 38.271 ac.;

6-27 THENCE South 00 deg. 50 min. 27 sec. East, with the West line
 6-28 of said Coit North Properties 144.168 ac., a distance of 306.87 ft.
 6-29 to a 1/2 inch rebar set in the South line of said Cartwright Survey,
 6-30 Abstract No. 251, in the North line of said Arnspiger Survey,
 6-31 Abstract No. 1526, at the Southwest corner of said Coit North
 6-32 Properties 144.168 ac.;

6-33 THENCE North 89 deg. 45 min. 50 sec. East, with the South line
 6-34 of said Coit North Properties 144.168 ac., a distance of 49.98 ft.
 6-35 to a 8 inch wood corner post at the most Easterly Northeast corner
 6-36 of said Viola 22.597 ac., at the Northwest corner of the 10.025 ac.
 6-37 tract of land conveyed to Sisong Phromkharanourak, Sombath Manivanh
 6-38 Bounchanh Thammavongsa in Volume 2138, Page 314, said Real Property
 6-39 Records;

6-40 THENCE South 00 deg. 23 min. 32 sec. East, with the general
 6-41 course of a wire fence maintaining the West line of said
 6-42 Phromkharanourak, et al 10.025 ac., a distance of 1,669.81 ft. to a
 6-43 point 1/2 inch rebar set at the Southwest corner of said
 6-44 Phromkharanourak, et al 10.025 ac., at a Northwest corner of said
 6-45 Viola 377.45 ac.;

6-46 THENCE South 89 deg. 14 min. 15 sec. East, with the North line
 6-47 of said 377.45 ac. and with the South line of said Phromkharanourak,
 6-48 Manivanh and Thammavongsa 10.025 ac., passing a cross-tie corner
 6-49 post at the Southeast corner of said Phromkharanourak, Manivanh and
 6-50 Thammavongsa 10.025 ac. and the Southwest corner of the 10.000 ac.
 6-51 tract of land conveyed to Joseph D. Losh and Nancy D. Losh in Volume
 6-52 2393, Page 36, said Grayson County Real Property Records at 264.77
 6-53 ft., and continuing for a total distance of 782.37 ft. to a 12 inch
 6-54 wood corner post at the Southwest corner of the 9.930 ac. tract of
 6-55 land conveyed to M. J. Presley and Allison M. Presley in Volume
 6-56 2355, Page 611, said Grayson County Real Property Records;

6-57 THENCE South 89 deg. 32 min. 03 sec. East, with the North line
 6-58 of said 377.45 ac. and with the South line of said Presley 9.930
 6-59 ac., passing the Southeast corner of said Presley 9.930 ac. and the
 6-60 Southwest corner of the 9.371 ac. tract of land conveyed to Mark
 6-61 Michina and Debbie Michina in Volume 2244, Page 388, said Grayson
 6-62 County Real Property Records and continuing for a total distance of
 6-63 634.03 ft. to a 2 inch pipe found;

6-64 THENCE South 89 deg. 23 min. 59 sec. East, with the North line
 6-65 of said 377.45 ac., passing a 2 inch pipe found at the Southwest
 6-66 corner of the 15.29 ac. tract of land conveyed to Vincent Chen and
 6-67 Lay-Wah Khoo in Volume 2109, Page 281, said Grayson County Real
 6-68 Property Records, and continuing now with the South line of said
 6-69 Chen & Khoo 15.29 ac for a total distance of 645.85 ft. to a 1/2 inch

7-1 rebar set at the Southeast corner of said Chen & Khoo 15.29 ac.;

7-2 THENCE North 00 deg. 32 min. 03 sec. West, with the East line

7-3 of said Chen & Khoo 15.29 ac., a distance of 1,691.73 ft. to a spike

7-4 nail found in the center of said Cartwright Road, at the Northeast

7-5 corner of said Chen & Khoo 15.29 ac., at an angle point in the South

7-6 line of said 93.158 ac.;

7-7 THENCE South 89 deg. 52 min. 43 sec. West, with the center of

7-8 said Cartwright Road and the South line of said 93.158 ac., a

7-9 distance of 995.39 ft. to a 3/8 inch rebar found at the Southwest

7-10 corner of said 93.158 ac., at the most Southerly Southeast corner of

7-11 the 144.168 ac. tract of land (Tract IV) conveyed to Coit North

7-12 Properties, Inc. in Volume 1677, Page 218, Deed Records, Grayson

7-13 County, Texas;

7-14 THENCE North 00 deg. 27 min. 48 sec. East, with the West line

7-15 of said 93.158 ac. and the East line of said Coit North Properties

7-16 144.168 ac., a distance of 2,021.18 ft. to a 1/2 inch rebar set the

7-17 Northwest corner of said 93.158 ac., at an Ell corner of said Coit

7-18 North Properties 144.168 ac.;

7-19 THENCE South 89 deg. 59 min. 12 sec. East, with a North line

7-20 of said 93.158 ac. and a South line of said Coit North Properties

7-21 144.168 ac, passing a Southeast corner of said Coit North

7-22 Properties 144.168 ac and the Southwest corner of the 80.749 ac.

7-23 tract of land (Tract I) conveyed to Coit North Properties in said

7-24 Volume 1677, Page 218 and continuing now with the South line of said

7-25 Coit North Properties 80.749 ac. for a total distance of 885.58 ft.

7-26 to a 1/2 inch rebar set at the Northwest corner of the 30.0468 ac.

7-27 tract of land conveyed to James E. Tillett and Rachel D. Tillett in

7-28 Volume 1509, Page 183, said Grayson County Deed Records, at the most

7-29 Northerly Northeast corner of said 93.158 ac.;

7-30 THENCE South 00 deg. 27 min. 44 sec. West, with an East line

7-31 of said 93.158 ac. and the West line of said Tillett 30.0468 ac., a

7-32 distance of 739.44 ft. to a 1/2 inch rebar set at the Southwest

7-33 corner of said Tillett 30.0468 ac., at an Ell corner of said 93.158

7-34 ac.;

7-35 THENCE South 89 deg. 59 min. 06 sec. East, with a North line

7-36 of said 93.158 ac. and the South line of said Tillett 30.0468 ac., a

7-37 distance of 1,772.58 ft. to the PLACE OF BEGINNING and containing

7-38 338.39 ACRES of land.

7-39 SITUATED in the County of Grayson, State of Texas, and being a

7-40 part of the J. W. Curtis Survey, Abstract No. 1077, and being all of

7-41 the 4.518 ac. tract of land (Tract 8) conveyed to Vincent Viola by

7-42 W. Mark David by Special Warranty Deed dated July 30, 2001 and

7-43 recorded in Volume 4987, Page 697, Deed Records, Collin County,

7-44 Texas, and being all of the 22.11 ac. tract of land conveyed to

7-45 Vincent Viola by W. Mark David by Assumption Deed dated July 30,

7-46 2001 and recorded in Volume 3118, Page 51, Official Public Records,

7-47 Grayson County, Texas, and being more particularly described as one

7-48 tract of land by metes and bounds as follows, to-wit:

7-49 BEGINNING at a point in the center of a public road, at the

7-50 Southeast corner of said Viola Tract 8;

7-51 THENCE North 87 deg. 59 min. 48 sec. West, with the South line

7-52 of said Viola Tract 8, a distance of 175.02 ft. to a point in the

7-53 East right-of-way line of U. S. Highway No. 75, at the beginning of

7-54 a curve;

7-55 THENCE Northwesterly, with the East right-of-way line of said

7-56 U. S. Highway No. 75 and with a non-tangent curve to the right

7-57 having a radius of 190.00 ft. and a central angle of 83 deg. 30 min.

7-58 07 sec. (chord bears North 46 deg. 06 min. 10 sec. West, 253.04

7-59 ft.), an arc distance of 276.90 ft. to a point at the end of said

7-60 curve;

7-61 THENCE North 04 deg. 21 min. 09 sec. West, continuing with the

7-62 East right-of-way line of said U. S. Highway No. 75, a distance of

7-63 374.17 ft. to a point at the Northwest corner of said Viola Tract 8,

7-64 at the Southwest corner of said Viola 22.11 ac., at the beginning of

7-65 a curve;

7-66 THENCE Northerly, continuing with the East right-of-way line

7-67 of said U. S. Highway No. 75 and with a non-tangent curve to the left

7-68 having a radius of 11,644.16 ft. and a central angle of 02 deg. 05

7-69 min. 55 sec. (chord bears North 06 deg. 33 min. 40 sec. West, 426.47

8-1 ft.), an arc distance of 426.50 ft. to a point at the end of said
8-2 curve;

8-3 THENCE North 13 deg. 03 min. 12 sec. West, continuing with the
8-4 East right-of-way line of said U. S. Highway No. 75, a distance of
8-5 305.53 ft. to a point at the beginning of a curve;

8-6 THENCE Northerly, continuing with the East right-of-way line
8-7 of said U. S. Highway No. 75 and with a non-tangent curve to the left
8-8 having a radius of 11,619.16 ft. and a central angle of 04 deg. 46
8-9 min. 21 sec. (chord bears North 11 deg. 29 min. 47 sec. West, 967.55
8-10 ft.), an arc distance of 967.83 ft. to a point at the Northwest
8-11 corner of said Viola 22.11 ac.;

8-12 THENCE North 89 deg. 38 min. 17 sec. East, with the North line
8-13 of said Viola 22.11 ac., a distance of 775.13 ft. to a point in the
8-14 center of said public road, at the Northeast corner of said Viola
8-15 22.11 ac.;

8-16 THENCE South 02 deg. 02 min. 37 sec. West, with the center of
8-17 said public road and with the East line of said Viola 22.11 ac., a
8-18 distance of 1,688.54 ft. to a point at the Southeast corner of said
8-19 Viola 22.11 ac., at the Northeast corner of said Viola Tract 8;

8-20 THENCE South 01 deg. 58 min. 32 sec. West, continuing with the
8-21 center of said public road and with the East line of said Viola
8-22 Tract 8, a distance of 541.86 ft. to the PLACE OF BEGINNING and
8-23 containing 26.55 ACRES of land.

8-24 SECTION 3. (a) The legal notice of the intention to
8-25 introduce this Act, setting forth the general substance of this
8-26 Act, has been published as provided by law, and the notice and a
8-27 copy of this Act have been furnished to all persons, agencies,
8-28 officials, or entities to which they are required to be furnished
8-29 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-30 Government Code.

8-31 (b) The governor, one of the required recipients, has
8-32 submitted the notice and Act to the Texas Commission on
8-33 Environmental Quality.

8-34 (c) The Texas Commission on Environmental Quality has filed
8-35 its recommendations relating to this Act with the governor, the
8-36 lieutenant governor, and the speaker of the house of
8-37 representatives within the required time.

8-38 (d) All requirements of the constitution and laws of this
8-39 state and the rules and procedures of the legislature with respect
8-40 to the notice, introduction, and passage of this Act are fulfilled
8-41 and accomplished.

8-42 SECTION 4. This Act takes effect immediately if it receives
8-43 a vote of two-thirds of all the members elected to each house, as
8-44 provided by Section 39, Article III, Texas Constitution. If this
8-45 Act does not receive the vote necessary for immediate effect, this
8-46 Act takes effect September 1, 2009.

8-47 * * * * *