

By: Phillips

H.B. No. 1524

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Case Creek 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 8249 to read as follows:

CHAPTER 8249. CASE CREEK MUNICIPAL UTILITY DISTRICT NO. 1 OF
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8249.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on
Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Case Creek Municipal Utility
District No. 1 of Grayson County.

Sec. 8249.002. NATURE OF DISTRICT. The district is a
municipal utility district created under Section 59, Article XVI,
Texas Constitution.

Sec. 8249.003. 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.

1 Sec. 8249.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
2 The district is created to serve a public purpose and benefit.

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

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

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

10 Sec. 8249.005. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act enacting this chapter.

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

17 (1) organization, existence, or validity;

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

21 (3) right to impose a tax; or

22 (4) legality or operation.

23 [Sections 8249.006-8249.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8249.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five elected directors.

27 (b) Except as provided by Section 8249.052, directors serve

1 staggered four-year terms.

2 Sec. 8249.052. TEMPORARY DIRECTORS. (a) On or after
3 September 1, 2011, the owner or owners of a majority of the assessed
4 value of the real property in the district may submit a petition to
5 the commission requesting that the commission appoint as temporary
6 directors the five persons named in the petition. The commission
7 shall appoint as temporary directors the five persons named in the
8 petition.

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

10 (1) the date permanent directors are elected under
11 Section 8249.003; or

12 (2) September 1, 2015.

13 (c) If permanent directors have not been elected under
14 Section 8249.003 and the terms of the temporary directors have
15 expired, successor temporary directors shall be appointed or
16 reappointed as provided by Subsection (d) to serve terms that
17 expire on the earlier of:

18 (1) the date permanent directors are elected under
19 Section 8249.003; or

20 (2) the fourth anniversary of the date of the
21 appointment or reappointment.

22 (d) If Subsection (c) applies, the owner or owners of a
23 majority of the assessed value of the real property in the district
24 may submit a petition to the commission requesting that the
25 commission appoint as successor temporary directors the five
26 persons named in the petition. The commission shall appoint as
27 successor temporary directors the five persons named in the

petition.

[Sections 8249.053-8249.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8249.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8249.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8249.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8249.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

1 (c) If the state will maintain and operate the road, the
2 Texas Transportation Commission must approve the plans and
3 specifications of the road project.

4 Sec. 8249.105. COSTS OF ROAD PROJECT. The district shall
5 bear the cost of maintaining, improving, operating, and repairing a
6 road located in the district and authorized by Section 8249.103 in
7 accordance with all applicable ordinances and rules of the
8 political subdivision authorized to exercise jurisdiction over the
9 road, regardless of whether the district conveys the road to this
10 state, a county, or a municipality.

11 Sec. 8249.106. LIMITATION ON USE OF EMINENT DOMAIN. The
12 district may not exercise the power of eminent domain outside the
13 district to acquire a site or easement for:

14 (1) a road project authorized by Section 8249.103; or
15 (2) a recreational facility as defined by Section
16 49.462, Water Code.

17 Sec. 8249.107. LIMITATION ON WATER SUPPLY AND WASTEWATER
18 SERVICES; USE OF DISTRICT FACILITIES BY TWO WAY SPECIAL UTILITY
19 DISTRICT. (a) The district may not act as a retail provider of
20 water or wastewater services in the district except as provided by
21 this section.

22 (b) Except as provided by Subsection (c), the district shall
23 convey or otherwise assign the district's water supply facilities
24 and wastewater facilities to Two Way Special Utility District.

25 (c) If Two Way Special Utility District refuses or is unable
26 to provide water supply or wastewater service to customers located
27 in the district, the district may retain the necessary facilities

and provide water supply or wastewater service, as applicable, to those customers.

[Sections 8249.108-8249.150 reserved for expansion]

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 8249.151. DIVISION OF DISTRICT; PREREQUISITES. The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

Sec. 8249.152. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 8249.153. LIMITATION ON AREA OF NEW DISTRICT. A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

Sec. 8249.154. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8249.003 to confirm the district's creation.

(c) An order dividing the district must:

(1) name each new district;

(2) include the metes and bounds description of the

territory of each new district;

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

(4) provide for the division of assets and liabilities
between the new districts.

(d) On or before the 30th day after the date of adoption of
an order dividing the district, the district shall file the order
with the commission and record the order in the real property
records of each county in which the district is located.

Sec. 8249.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
A new district created by the division of the district shall hold a
confirmation and directors' election as required by Section
8249.003.

(b) If the creation of the new district is confirmed, the
new district shall provide the election date and results to the
commission.

Sec. 8249.156. TAX OR BOND ELECTION. Before a new district
created by the division of the district may impose a maintenance tax
or issue bonds payable wholly or partly from ad valorem taxes, the
new district must hold an election as required by this chapter to
obtain voter approval.

[Sections 8249.157-8249.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8249.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The
district may issue, without an election, bonds and other
obligations secured by:

(1) revenue other than ad valorem taxes; or

1 (2) contract payments described by Section 8249.203.

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

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

10 Sec. 8249.202. OPERATION AND MAINTENANCE TAX. (a) If
11 authorized at an election held under Section 8249.201, the district
12 may impose an operation and maintenance tax on taxable property in
13 the district in accordance with Section 49.107, Water Code.

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

16 Sec. 8249.203. CONTRACT TAXES. (a) In accordance with
17 Section 49.108, Water Code, the district may impose a tax other than
18 an operation and maintenance tax and use the revenue derived from
19 the tax to make payments under a contract after the provisions of
20 the contract have been approved by a majority of the district voters
21 voting at an election held for that purpose.

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

25 [Sections 8249.204-8249.250 reserved for expansion]

26 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

27 Sec. 8249.251. AUTHORITY TO ISSUE BONDS AND OTHER

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

6 Sec. 8249.252. TAXES FOR BONDS. At the time the district
7 issues bonds payable wholly or partly from ad valorem taxes, the
8 board shall provide for the annual imposition of a continuing
9 direct ad valorem tax, without limit as to rate or amount, while all
10 or part of the bonds are outstanding as required and in the manner
11 provided by Sections 54.601 and 54.602, Water Code.

12 Sec. 8249.253. BONDS FOR ROAD PROJECTS. At the time of
13 issuance, the total principal amount of bonds or other obligations
14 issued or incurred to finance road projects and payable from ad
15 valorem taxes may not exceed one-fourth of the assessed value of the
16 real property in the district.

17 SECTION 2. The Case Creek Municipal Utility District No. 1
18 of Grayson County initially includes all the territory contained in
19 the following area:

20 TRACT 1

21 BEING A 734.245 ACRE TRACT OF LAND SITUATED IN THE PATSY KITCHENS
22 SURVEY, ABSTRACT NO. 666, THE RACHEL HANNING SURVEY, ABSTRACT NO.
23 547, THE JAMES THOMAS SURVEY, ABSTRACT NO. 1235, THE B.B.B. & C.R.R.
24 SURVEY, ABSTRACT NO. 167 AND THE H.L. NOLAND SURVEY, ABSTRACT NO.
25 1550, GRAYSON COUNTY, TEXAS AND BEING ALL OF THE FOLLOWING TRACTS OF
26 LAND, THAT TRACT OF LAND DESCRIBED IN DEED TO BLUE ISLAND PARTNERS,
27 LTD., RECORDED IN VOLUME 4076, PAGE 824, THAT TRACT OF LAND

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1 DESCRIBED IN DEED TO THE NICID LIMITED PARTNERSHIP, RECORDED IN
2 VOLUME 3734, PAGE 246 AND THAT TRACT OF LAND DESCRIBED IN DEED TO
3 202 BOREN ROAD PARTNERS, LLC, RECORDED IN VOLUME 4223, PAGE 252 OF
4 THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS. SAID 734.245
5 ACRE TRACT, WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE
6 COORDINATES, NORTH CENTRAL ZONE, NAD83 (CORS96, EPOCH DATE 2002),
7 DETERMINED BY GPS OBSERVATIONS BETWEEN JULIAN DAY 253, 2004 AND
8 JULIAN DAY 259, 2004, CALCULATED FROM COLLIN CORS ARP (PID-DF8982)
9 AND DENTON CORS ARP (PID-DF8986),
10 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
11 BEGINNING AT A 60D NAIL FOUND FOR THE NORTHEAST CORNER OF SAID BLUE
12 ISLAND TRACT, SAID NAIL BEING THE SOUTHEAST CORNER OF A TRACT AS
13 DESCRIBED IN DEED TO JERRY TODD, FILED JUNE 27, 1977, AND RECORDED
14 IN VOLUME 1392 PAGE 797 OF SAID DEED RECORDS, SAID NAIL ALSO BEING
15 IN THE WEST LINE OF A TRACT AS DESCRIBED IN DEED TO JEFF JOHNSON AND
16 WIFE CARYANN JOHNSON, FILED DECEMBER 05, 2002, AND RECORDED IN
17 VOLUME 3363, PAGE 624 OF DEED RECORDS, GRAYSON COUNTY, TEXAS, SAID
18 NAIL ALSO BEING AT THE INTERSECTION OF DAVIS ROAD AND MACOMB
19 CEMETERY ROAD;
20 THENCE, SOUTH 00 DEGREES 41 MINUTES 37 SECONDS EAST, WITH THE EAST
21 LINE OF SAID BLUE ISLAND TRACT, AND WITH THE WEST LINE OF SAID
22 JOHNSON TRACT, AND ALONG SAID DAVIS ROAD, A DISTANCE OF 1738.20 FEET
23 TO A 1/2 INCH STEEL SQUARE TUBING FOUND FOR AN ELL CORNER OF SAID
24 BLUE ISLAND TRACT, AND THE SOUTHWEST CORNER OF SAID JOHNSON TRACT,
25 AND AT A TURN IN SAID ROAD;
26 THENCE, NORTH 88 DEGREES 46 MINUTES 03 SECONDS EAST, WITH A NORTH
27 LINE OF SAID BLUE ISLAND TRACT, AND WITH THE SOUTH LINE OF SAID

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1 JOHNSON TRACT, AND ALONG SAID DAVIS ROAD, A DISTANCE OF 620.31 FEET
2 TO A 1/2 INCH STEEL REBAR FOUND FOR THE MOST EASTERLY NORTHEAST
3 CORNER OF SAID BLUE ISLAND TRACT, SAID REBAR BEING ON THE SOUTH LINE
4 OF SAID JOHNSON TRACT, SAID REBAR BEING THE NORTHWEST CORNER OF A
5 TRACT AS DESCRIBED IN DEED TO THE NICID LIMITED PARTNERSHIP, FILED
6 SEPTEMBER 22, 2004, AND RECORDED IN VOLUME 3734, PAGE 246, OFFICIAL
7 PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID REBAR ALSO BEING IN
8 SAID ROAD;

9 THENCE, NORTH 89 DEGREES 31 MINUTES 32 SECONDS EAST, WITH THE NORTH
10 LINE OF SAID NICID TRACT, AND IN DAVIS ROAD, A DISTANCE OF 2414.87
11 FEET TO A 1/2 INCH STEEL SQUARE TUBING FOUND, SAID TUBING BEING THE
12 NORTHEAST CORNER OF SAID NICID TRACT, AND THE NORTHWEST CORNER OF A
13 TRACT AS DESCRIBED IN DEED TO DIAMOND H RANCH, LP, AND RECORDED IN
14 VOLUME 4052, PAGE 184, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY,
15 TEXAS, SAID TUBING ALSO BEING IN DAVIS ROAD;

16 THENCE, SOUTH 00 DEGREES 26 MINUTES 08 SECONDS EAST, WITH THE EAST
17 LINE OF SAID NICID TRACT, AND THE WEST LINE OF SAID DIAMOND H TRACT,
18 AND PASSING AT 20.34 FEET A PIPE FENCE CORNER POST ON THE SOUTH SIDE
19 OF SAID DAVIS ROAD, AND CONTINUING ON SAID COURSE FOR A TOTAL
20 DISTANCE OF 2645.90 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC
21 CAP STAMPED "CARTER BURGESS" SET FOR AN ELL CORNER OF SAID NICID AND
22 DIAMOND H TRACTS;

23 THENCE, SOUTH 89 DEGREES 24 MINUTES 16 SECONDS WEST, WITH THE SOUTH
24 LINE OF SAID NICID TRACT, A DISTANCE OF 989.63 FEET TO A 5/8 INCH
25 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR AN
26 ELL CORNER OF SAID NICID AND DIAMOND H TRACT;

27 THENCE, SOUTH 00 DEGREES 31 MINUTES 07 SECONDS EAST, A DISTANCE OF

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1 614.83 FEET TO A 1/2 INCH STEEL REBAR FOUND FOR A SOUTHEAST CORNER
2 OF SAID NICID AND AN ELL CORNER OF SAID DIAMOND H TRACT;
3 THENCE, SOUTH 89 DEGREES 38 MINUTES 58 SECONDS WEST, WITH THE
4 APPARENT SOUTH LINE OF SAID NICID TRACT, A DISTANCE OF 2189.66 FEET
5 TO A POINT CORNER;
6 THENCE, SOUTH 00 DEGRESS 58 MINUTES 28 SECONDS WEST, PASSING AT A
7 DISTANCE OF 14.49 FEET A 1/2" IRON ROD FOUND AT THE NORTHEAST CORNER
8 OF SAID 202 BOREN ROAD PARTNERS TRACT AND THE NORTHWEST CORNER OF
9 THAT TRACT OF LAND DESCRIBED IN DEED TO DEWEY MCGILL, JR., RECORDED
10 IN VOLUME 2426, PAGE 836, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY,
11 TEXAS, AND CONTINUING WITH THE EAST LINE OF SAID 202 BOREN ROAD
12 PARTNERS TRACT, THE WEST LINE OF SAID MCGILL TRACT, CROSSING THE
13 SOUTH LINE OF SAID NOLAND SURVEY AND THE NORTH LINE OF SAID B.B.B. &
14 C.R.R. SURVEY, AND CONTINUING FOR A TOTAL DISTANCE OF 2317.78 FEET
15 TO A 1/2 INCH IRON ROD FOUND ON THE NORTH LINE OF THAT TRACT OF LAND
16 DESCRIBED IN DEED TO DIANE S. MORGAN, RECORDED IN VOLUME 3368, PAGE
17 355, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;
18 THENCE, NORTH 88 DEGRESS 25 MINUTES 06 SECONDS WEST, WITH THE NORTH
19 LINES OF SAID DIANE MORGAN TRACT, THE NORTH LINE OF A 20.000 ACRE
20 TRACT OF LAND CONVEYED TO GLEN D. MORGAN BY DEED DATED APRIL 11,
21 2000, RECORDED IN VOLUME 2914, PAGE 61, OFFICIAL PUBLIC RECORDS,
22 GRAYSON COUNTY, TEXAS AND THE SOUTH LINE OF SAID 202 BOREN ROAD
23 PARTNERS TRACT, FOR A DISTANCE OF 1627.84 FEET TO A 60D NAIL FOUND
24 AT THE SOUTHWEST CORNER OF BOTH SAID B.B.B. & C.R.R. SURVEY AND THE
25 SOUTHEAST CORNER OF SAID THOMAS SURVEY, FOR THE MOST SOUTHERLY
26 SOUTHWEST CORNER OF SAID 202 BOREN ROAD PARTNERS TRACT AND THE
27 SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO TOM W.

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1 PINGLETON, DATED AUGUST 15, 2006, RECORDED IN VOLUME 4105, PAGE
2 811, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS,
3 THENCE, NORTH 01 DEGREES 40 MINUTES 41 SECONDS EAST, WITH THE WEST
4 LINES OF BOTH SAID B.B.B. & C.R.R. SURVEY, AND SAID 202 BOREN ROAD
5 PARTNERS TRACT AND THE EAST LINES OF THE FOLLOWING, SAID THOMAS
6 SURVEY, TRACT 1 DESCRIBED IN DEED TO JAMES DOUGLAS SCHULTZ,
7 RECORDED IN VOLUME 1646, PAGE 617 DEED RECORDS, GRAYSON COUNTY,
8 TEXAS, SAID PINGLETON TRACT, THAT TRACT OF LAND DESCRIBED IN DEED TO
9 GINGER BLALOCK, DATED AUGUST 28, 1998, RECORDED IN VOLUME 2695, PAGE
10 380, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, THAT TRACT OF
11 LAND DESCRIBED IN DEED TO JAMES C. BLAKE, ET UX, DATED OCTOBER 9,
12 1998, RECORDED IN VOIUME 2709, PAGE 366, OFFICIAL PUBLIC RECORDS,
13 GRAYSON COUNTY, TEXAS, THAT TRACT OF LAND DESCRIBED IN DEED TO
14 MICHAEL W. WALKER, AND MONIQUE R. WALKER, DATED DECEMBER 22, 2004,
15 RECORDED IN VOLUME 3790, PAGE 348, OFFICIAL PUBLIC RECORDS, GRAYSON
16 COUNTY, TEXAS AND THAT TRACT OF LAND DESCRIBED IN DEED TO NANCY
17 SUSAN PARKER, DATED DECEMBER 1, 1993, RECORDED IN VOLUME 2306, PAGE
18 433, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS FOR A DISTANCE
19 OF 2132.79 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER
20 OF SAID PARKER TRACT AT AN ELL CORNER OF SAID 202 BOREN ROAD
21 PARTNERS TRACT;
22 THENCE, NORTH 86 DEGRESS 41 MINUTES 55 SECONDS WEST, WITH THE NORTH
23 LINE OF SAID PARKER TRACT, AND A SOUTH LINE OF SAID 202 BOREN ROAD
24 PARTNERS TRACT, A DISTANCE OF 1332.93 FEET TO A PK NAIL FOUND FOR
25 THE NORTHWEST CORNER OF SAID PARKER TRACT IN THE EAST LINE OF THAT
26 TRACT OF LAND DESCRIBED IN DEED TO MYRNA RHEUDASIL, INDIVIDUALLY BY
27 DEED DATED APRIL 21, 1992, RECORDED IN VOLUME 2208, PAGE 492,

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1 OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS IN THE CENTER OF A
2 PUBLIC ROAD KNOWN AS BOREN ROAD;
3 THENCE NORTH 01 DEGREES, 59 MINUTES 16 SECONDS EAST, WITH THE CENTER
4 OF SAID BOREN ROAD, THE WEST LINE OF SAID 202 BOREN ROAD PARTNERS
5 TRACT, THE EAST LINE OF SAID RHEUDASIL TRACT FOR A DISTANCE OF
6 411.44 FEET TO A 1/2 INCH IRON ROD FOUND AT THE NORTHEAST CORNER OF
7 SAID RHEUDASIL TRACT, ON THE NORTH LINE OF SAID THOMAS SURVEY, THE
8 SOUTH LINE OF BOTH SAID RACHEL HANNING SURVEY, AND SAID 202 BOREN
9 ROAD PARTNERS TRACT;
10 THENCE, NORTH 88 DEGRESS 28 MINUTES 34 SECONDS WEST, WITH THE NORTH
11 LINE OF BOTH SAID THOMAS SURVEY, AND SAID RHEUDASIL TRACT, THE SOUTH
12 LINE OF BOTH SAID RACHEL HANNING SURVEY, AND SAID 202 BOREN ROAD
13 PARTNERS TRACT, CONTINUING ALONG SAID BOREN ROAD, FOR A DISTANCE OF
14 1333.90 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED
15 "CARTER BURGESS" SET AT THE SOUTHWEST CORNER OF BOTH SAID RACHEL
16 HANNING SURVEY, AND SAID 202 BOREN ROAD PARTNERS TRACT, THE
17 SOUTHEAST CORNER OF THE JAMES M. THOMAS SURVEY, ABSTRACT NO. 1212,
18 THE MOST SOUTHERLY SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED
19 IN DEED TO CALVIN BLEDSOE, RECORDED IN VOLUME 2546, PAGE 224,
20 OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;
21 THENCE, NORTH 01 DEGRESS 36 MINUTES 58 SECONDS EAST, WITH THE WEST
22 LINE OF BOTH SAID RACHEL HANNING SURVEY, AND SAID 202 BOREN ROAD
23 PARTNERS TRACT, THE EAST LINE OF SAID JAMES THOMAS SURVEY, ABST. NO.
24 1212, AND SAID BLEDSOE TRACT, FOR A DISTANCE OF 1595.82 FEET TO A
25 1/2 INCH IRON ROD CAPPED "COX 4577" FOUND AT THE NORTHWEST CORNER OF
26 SAID 202 BOREN ROAD PARTNERS TRACT, THE MOST WESTERLY SOUTHWEST
27 CORNER OF A 300.43 ACRE TRACT OF LAND DESCRIBED IN DEED TO BLUE

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1 ISLAND PARTNERS, LTD. BY DEED DATED JUNE 28, 2006, RECORDED IN
2 VOLUME 4076, PAGE 824, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY,
3 TEXAS;
4 THENCE, NORTH 01 DEGREES 26 MINUTES 55 SECONDS EAST, WITH THE WEST
5 LINE OF SAID BLUE ISLAND TRACT, AND WITH THE EAST LINE OF SAID
6 BLEDSOE TRACT, A DISTANCE OF 1631.30 FEET TO A 1/2 INCH IRON ROD
7 CAPPED "COX 4577" FOUND FOR THE WESTERN MOST NORTHWEST CORNER OF
8 BLUE ISLAND TRACT, AND THE NORTHEAST CORNER OF SAID BLEDSOE TRACT;
9 THENCE, NORTH 89 DEGREES 27 MINUTES 39 SECONDS EAST, WITH A NORTH
10 LINE OF SAID BLUE ISLAND TRACT, A DISTANCE OF 1676.04 FEET TO A 5/8
11 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET
12 FOR AN ELL CORNER OF SAID BLUE ISLAND TRACT, AND THE SOUTHEAST
13 CORNER OF A TRACT AS DESCRIBED IN DEED TO NANCY SUSAN PARKER, FILED
14 SEPTEMBER 15, 1993, AND RECORDED IN VOLUME 2306 PAGE 433, OFFICIAL
15 PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;
16 THENCE, NORTH 00 DEGREES 18 MINUTES 02 SECONDS WEST, WITH THE WEST
17 LINE OF SAID BLUE ISLAND TRACT, AND WITH THE EAST LINE OF SAID
18 PARKER TRACT, A DISTANCE OF 1411.57 FEET TO A 5/8 INCH IRON ROD WITH
19 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE NORTHWEST
20 CORNER OF SAID BLUE ISLAND TRACT, SAID IRON ROD BEING THE NORTHEAST
21 CORNER OF SAID PARKER TRACT, SAID IRON ROD ALSO BEING ON THE SOUTH
22 LINE OF SAID BLEDSOE TRACT, SAID IRON ROD BEING IN SAID MACOMB
23 CEMETERY ROAD;
24 THENCE, SOUTH 88 DEGREES 57 MINUTES 45 SECONDS EAST, WITH THE NORTH
25 LINE OF SAID BLUE ISLAND TRACT, ALONG SAID ROAD, PASSING THE
26 SOUTHEAST CORNER OF SAID BLEDSOE TRACT, AND THE SOUTHWEST CORNER OF
27 SAID TODD TRACT, AND CONTINUING ALONG SAID COURSE, A DISTANCE OF

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2597.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 734.245 ACRES
OF LAND, MORE OR LESS.

TRACT 2

BEING A 558.197 ACRE TRACT OF LAND SITUATED IN THE BURK TRAMMEL
SURVEY, ABSTRACT NUMBER 1229, GRAYSON COUNTY, TEXAS, SAID 558.132
ACRE TRACT BEING COMPRISED BY THE TOTAL OF 6 TRACTS OF LAND RECORDED
IN THE OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, A TRACT OF
LAND DESCRIBED IN A DEED TO W.P. PELPHREY AND C.F. PELPHREY AS
RECORDED IN VOLUME 205, PAGE 591, DEED RECORDS, GRAYSON COUNTY,
TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO W.P. PELPHREY AS
RECORDED IN VOLUME 234, PAGE 113, DEED RECORDS, GRAYSON COUNTY,
TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO A.T. PELPHREY AS
RECORDED IN VOLUME 129, PAGE 171, DEED RECORDS, GRAYSON COUNTY,
TEXAS, A TRACT OF LAND DESCRIBED IN A DEED TO JACK M. DECORDOVA AND
WIFE FRANCES M. DECORDOVA AS RECORDED IN VOLUME 1280, PAGE 29, DEED
RECORDS, GRAYSON COUNTY, TEXAS, A TRACT OF LAND DESCRIBED IN A DEED
TO C.F. PELPHREY AS RECORDED IN VOLUME 550, PAGE 399, DEED RECORDS,
GRAYSON COUNTY, TEXAS, AND A TRACT OF LAND DESCRIBED IN A DEED TO
W.P. PELPHREY AS RECORDED IN VOLUME 234, PAGE 113, DEED RECORDS,
GRAYSON COUNTY, TEXAS, SAID 558.197 ACRE TRACT WITH BEARING BASIS
BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL
ZONE, NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS
OBSERVATIONS BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004,
CALCULATED FROM COLLIN CORS ARP (PID-DF8982) AND DENTON CORS ARP
(PID-DF8986), BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS
AS FOLLOWS:

BEGINNING AT A P.K. NAIL SET FOR THE NORTHWEST CORNER OF SAID W.P.

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1 PELPHREY AND C.F. PELPHREY TRACT, SAME POINT BEING IN THE
2 APPROXIMATE INTERSECTION OF SOUTHMAYD ROAD (AN APPARENT
3 PERSCRIPTIVE RIGHT OF WAY) WITH MCGEEHE ROAD (AN APPARENT
4 PERSCRIPTIVE RIGHT OF WAY);
5 THENCE, SOUTH 88 DEGREES 22 MINUTES 04 SECONDS EAST, IN SAID
6 SOUTHMAYD ROAD, A DISTANCE OF 2563.72 FEET TO A P.K. NAIL FOUND FOR
7 THE NORTHWEST CORNER OF THE AFOREMENTIONED W.P. PELPHREY TRACT
8 DESCRIBED IN VOLUME 234 AT PAGE 113, DEED RECORDS, GRAYSON COUNTY,
9 TEXAS FOR AN ANGLE POINT;
10 THENCE, SOUTH 88 DEGREES 29 MINUTES 07 SECONDS EAST, CONTINUING IN
11 SAID ROAD, FOR A DISTANCE OF 1926.86 FEET TO A P.K. NAIL SET FOR THE
12 NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT AND THE NORTHWEST
13 CORNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO GLEN D.
14 MORGAN AS RECORDED IN VOLUME 2752, PAGE 321, OFFICIAL PUBLIC
15 RECORDS, GRAYSON COUNTY, TEXAS
16 THENCE, SOUTH 00 DEGREES 58 MINUTES 51 SECONDS WEST, WITH THE WEST
17 LINE OF SAID MORGAN TRACT AND ALONG A FENCE LINE AT A DISTANCE
18 3314.73 PASSING A 1/2" IRON ROD FOR THE SOUTHWEST CORNER OF SAID
19 MORGAN TRACT, THE SAME BEING THE NORTHWEST CORNER OF THAT CERTAIN
20 TRACT OF LAND DESCRIBED IN A DEED TO LOY RODERICK MAYFIELD AS
21 RECORDED IN VOLUME 2889, PAGE 672 OF THE OFFICIAL PUBLIC RECORDS,
22 GRAYSON COUNTY, TEXAS AND WITH THE WEST LINE OF SAID MAYFIELD TRACT
23 FOR A TOTAL DISTANCE 5469.03 FEET TO A 5/8" IRON ROD WITH YELLOW
24 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER THE SAME BEING
25 THE SOUTHEAST CORNER OF THE AFOREMENTIONED JACK M. DECORDOVA TRACT;
26 THENCE, NORTH 88 DEGREES 58 MINUTES 51 SECONDS WEST, WITH THE SOUTH
27 LINE OF SAID JACK M. DECORDOVA TRACT, IN BATES ROAD (AN APPARENT

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1 PERSCRIPTIVE RIGHT OF WAY) FOR A DISTANCE OF 2596.11 FEET TO A 1/2"
2 CAPPED IRON ROD FOUND STAMPED "SARTIN" FOR CORNER IN THE EAST LINE
3 OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO CHALLENGE MOTOR
4 SPORTS AS RECORDED IN VOLUME 4224, PAGE 225, OFFICIAL PUBLIC
5 RECORDS, GRAYSON COUNTY, TEXAS;

6 THENCE, NORTH 00 DEGREES 40 MINUTES 14 SECONDS WEST, AT TIMES WITHIN
7 SAID BATES ROAD, A DISTANCE OF 248.68 FEET A 5/8" IRON ROD WITH
8 YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER AND
9 BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED C.F. PELPHREY
10 TRACT;

11 THENCE, NORTH 88 DEGREES 23 MINUTES 47 SECONDS WEST, WITH THE SOUTH
12 LINE OF SAID C.F. PHELPHREY TRACT AND GENERALLY ALONG SAID BATES
13 ROAD A DISTANCE OF 1944.93 FEET TO A P.K. NAIL SET FOR CORNER AT THE
14 INTERSECTION OF SAID BATES ROAD WITH RICE ROAD (AN APPARENT
15 PERSCRIPTIVE RIGHT OF WAY) THE SAME BEING THE SOUTHWEST CORNER OF
16 SAID C.F. PELPHREY TRACT;

17 THENCE NORTH 01 DEGREES 36 MINUTES 42 SECONDS EAST, WITH THE WEST
18 LINE OF SAID PELPHREY TRACTS, AND GENERALLY ALONG SAID RICE AND
19 SOUTHMAYD ROADS, A DISTANCE OF 5245.00 FEET TO THE POINT OF
20 BEGINNING, CONTAINING 558.197 ACRES OR OF LAND MORE OR LESS.

21 TRACT 3

22 BEING A 185.677 ACRE TRACT OF LAND SITUATED IN THE SAMUEL GILMAN
23 SURVEY, ABSTRACT NO. 456, GRAYSON COUNTY, TEXAS, AND BEING ALL OF A
24 185.677 ACRE TRACT OF LAND, CONVEYED TO WALTON TEXAS, L.P. BY DEED
25 RECORDED IN VOLUME 4782, PAGE 760, OFFICIAL PUBLIC RECORDS, GRAYSON
26 COUNTY, TEXAS, SAID 185.677 ACRE TRACT, WITH BEARING BASIS BEING
27 GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE,

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1 NAD83 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS
2 BETWEEN JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004, CALCULATED
3 FROM COLLIN CORS ARP (PID-DF8982) AND DENTON CORS ARP (PID-DF8986),
4 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
5 BEGINNING AT A 1/2" IRON ROD FOUND AT THE MOST WESTERLY SOUTHWEST
6 CORNER OF SAID 185.677 ACRE TRACT, SAID POINT BEING ON THE EAST
7 RIGHT-OF-WAY LINE OF F.M. HIGHWAY NO. 902 (A 100' RIGHT OF WAY);
8 THENCE, NORTH 00 DEGREES 36 MINUTES 33 SECONDS WEST, ALONG SAID EAST
9 RIGHT OF WAY LINE, A DISTANCE OF 996.90 FEET TO A 60D NAIL FOUND FOR
10 CORNER NEAR THE CENTER LINE OF A PUBLIC ROAD;
11 THENCE, NORTH 88 DEGREES 59 MINUTES 45 SECONDS EAST, WITH THE
12 GENERAL DIRECTION OF SAID CENTERLINE OF SAID PUBLIC ROAD, A
13 DISTANCE OF 839.41 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP
14 STAMPED "RPLS 5433" FOUND FOR AND ELL CORNER OF SAID 185.677 ACRE
15 TRACT, SAID POINT BEING ON THE WEST LINE OF A 51.465 ACRE TRACT OF
16 LAND CONVEYED BY DEED TO CHALLENGE MOTOR SPORTS, L.P., RECORDED IN
17 VOLUME 4224, PAGE 225, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY,
18 TEXAS;
19 THENCE, SOUTH 01 DEGREES 09 MINUTES 35 SECONDS WEST, ALONG SAID WEST
20 LINE, A DISTANCE OF 18.26 FEET TO A 1/2" IRON ROD FOUND FOR AN ELL
21 CORNER OF SAID 185.677 ACRE TRACT AND THE COMMON SOUTHWEST CORNER OF
22 SAID 51.465 ACRE TRACT;
23 THENCE, NORTH 87 DEGREES 42 MINUTES 40 SECONDS EAST, ALONG THE NORTH
24 LINE OF SAID 185.677 ACRE TRACT AND THE SOUTH LINE OF SAID 51.465
25 ACRE TRACT, A DISTANCE OF 1953.64 FEET TO A 1/2" IRON ROD FOUND FOR
26 CORNER;
27 THENCE, NORTH 88 DEGREES 42 MINUTES 58 SECONDS EAST, CONTINUING

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1 ALONG SAID NORTH LINE OF 185.677 ACRE TRACT, A DISTANCE OF 664.80
2 FEET TO A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 5433"
3 FOUND FOR THE NORTHEAST CORNER OF SAID 185.677 ACRE TRACT, SAID
4 POINT BEING THE ELL CORNER OF A 10.001 ACRE TRACT CONVEYED TO JESSE
5 WHITTINGTON, RECORDED IN VOLUME 4272, PAGE 659, OFFICIAL PUBLIC
6 RECORDS, GRAYSON COUNTY, TEXAS;

7 THENCE, ALONG THE EAST LINE OF SAID 185.677 ACRE TRACT, THE
8 FOLLOWING COURSES AND DISTANCES

9 SOUTH 00 DEGREES 27 MINUTES 48 SECONDS EAST, ALONG THE WEST
10 LINE OF SAID 10.001 ACRE TRACT, A DISTANCE OF 413.59 FEET TO A
11 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 5433"
12 FOUND FOR CORNER, SAID POINT BEING THE SOUTHWEST CORNER OF
13 SAID 10.001 ACRE TRACT AND THE NORTHWEST CORNER OF A 136.85
14 ACRE TRACT OF LAND CONVEYED BY DEED TO SUTTER INVESTMENTS,
15 L.P., RECORDED IN VOLUME 4224, PAGE 231, OFFICIAL PUBLIC
16 RECORDS, GRAYSON COUNTY, TEXAS;

17 SOUTH 00 DEGREES 46 MINUTES 35 SECONDS EAST, ALONG THE WEST
18 LINE OF SAID 136.85 ACRE TRACT, A DISTANCE OF 2334.85 FEET TO
19 A 1" IRON PIPE FOUND FOR CORNER, SAID POINT BEING THE
20 SOUTHWEST CORNER OF SAID 136.85 ACRE TRACT AND THE NORTHWEST
21 CORNER OF 15.00 ACRE TRACT OF LAND CONVEYED BY DEED TO BILLY
22 LYNN, RECORDED IN VOLUME 1462, PAGE 390, DEED RECORDS,
23 GRAYSON COUNTY, TEXAS;

24 SOUTH 00 DEGREES 04 MINUTES 17 SECONDS WEST, ALONG THE WEST
25 LINE OF SAID 15.00 ACRE TRACT, A DISTANCE OF 510.69 FEET TO A
26 1/2" SQUARE IRON ROD FOUND FOR CORNER, SAID POINT BEING THE
27 SOUTHWEST CORNER OF SAID 15.00 ACRE TRACT AND THE NORTHWEST

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1 CORNER OF A 16.866 ACRE TRACT OF LAND CONVEYED BY DEED TO
2 JAMES D. HOOVER, RECORDED IN VOLUME 3245, PAGE 578, OFFICIAL
3 PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID POINT ALSO LYING
4 NEAR THE CENTER OF A PUBLIC ROAD KNOWN AS COBLER ROAD;
5 SOUTH 00 DEGREES 23 MINUTES 38 SECONDS EAST, ALONG THE WEST
6 LINE OF SAID 16.866 ACRE TRACT AND WITH THE GENERAL DIRECTION
7 OF THE CENTERLINE OF COBLER ROAD, A DISTANCE OF 407.48 FEET TO
8 A 1/2" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 5433"
9 FOUND FOR THE SOUTHWEST CORNER OF SAID 185.677 ACRE TRACT,
10 SAID POINT BEING AT THE INTERSECTION OF SAID COBLER ROAD AND A
11 PUBLIC ROAD KNOWN AS MINNIS ROAD;
12 THENCE, SOUTH 89 DEGREES 02 MINUTES 11 SECONDS WEST, ALONG THE SOUTH
13 LINE OF SAID 185.677 ACRE TRACT AND WITH THE GENERAL DIRECTION OF
14 SAID COBLER ROAD, A DISTANCE OF 1748.05 FEET TO A 1/2" IRON ROD
15 FOUND FOR CORNER; THE SOUTHWEST CORNER OF SAID 185.677 ACRE TRACT
16 AND THE SOUTHEAST CORNER OF A 33.04 ACRE TRACT OF LAND CONVEYED BY
17 DEED TO THOMAS W. BYROM, SR., RECORDED IN 3117, PAGE 40, OFFICIAL
18 PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;
19 THENCE, NORTH 00 DEGREES 49 MINUTES 46 SECONDS WEST, ALONG THE
20 COMMON WEST LINE OF SAID 185.677 ACRE TRACT AND THE EAST LINE OF
21 SAID 33.04 ACRE TRACT, A DISTANCE OF 2562.49 FEET TO A 1/2" IRON ROD
22 FOUND FOR THE NORTHEAST CORNER OF SAID 33.04 ACRE TRACT AND THE
23 SOUTHEAST CORNER OF A 12.352 ACRE TRACT OF LAND CONVEYED BY DEED TO
24 THE MILDRED L. BROWN REVOCABLE TRUST, RECORDED IN VOLUME 3194, PAGE
25 344, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;
26 THENCE, NORTH 01 DEGREES 43 MINUTES 38 SECONDS WEST, CONTINUING
27 ALONG THE WEST LINE OF SAID 185.677 ACRE TRACT AND THE COMMON EAST

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1 LINE OF SAID 12.352 ACRE TRACT, A DISTANCE OF 103.58 FEET TO A 1/2"
2 IRON ROD FOUND FOR AND INTERIOR ELL CORNER OF SAID 185.677 ACRE
3 TRACT AND THE NORTHEAST CORNER OF SAID 12.352 ACRE TRACT;
4 THENCE, SOUTH 88 DEGREES 06 MINUTES 00 SECONDS WEST, ALONG THE
5 COMMON SOUTH LINE OF SAID 185.677 ACRE TRACT AND THE NORTH LINE OF
6 SAID 12.352 ACRE TRACT, A DISTANCE OF 1695.09 FEET; TO THE POINT OF
7 BEGINNING AND CONTAINING 185.677 ACRES LAND, MORE OR LESS.

8 TRACT 4

9 BEING A 207.484 ACRE TRACT OF LAND SITUATED IN THE SAMUEL GILMAN
10 SURVEY, ABSTRACT NO. 456 AND THE S. PRATHER SURVEY, ABSTRACT NO.
11 934, GRAYSON COUNTY, TEXAS, AND BEING ALL OF A 207.51 ACRE TRACT OF
12 LAND, CONVEYED AS TRACT 1 TO WALTON TEXAS, L.P., BY DEED RECORDED IN
13 VOLUME 4861, PAGE 258, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY,
14 TEXAS, SAID 207.484 ACRE TRACT, WITH BEARING BASIS BEING GRID
15 NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NAD83
16 (CORS96, EPOCH DATE 2002), DETERMINED BY GPS OBSERVATIONS BETWEEN
17 JULIAN DAY 253, 2004 AND JULIAN DAY 259, 2004, CALCULATED FROM
18 COLLIN CORS ARP (PID-DF8982) AND DENTON CORS ARP (PID-DF8986),
19 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

20 BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID
21 207.484 ACRE TRACT, SAID POINT BEING THE NORTHEAST CORNER OF A
22 130.028 ACRE TRACT OF LAND CONVEYED BY DEED TO LITTLE CREEK
23 INVESTMENTS, L.P., RECORDED IN VOLUME 3751, PAGE 802, OFFICIAL
24 PUBLIC RECORDS, GRAYSON COUNTY, TEXAS, SAID POINT BEING ON THE WEST
25 LINE OF F.M. HIGHWAY NO. 902 (A 100 FOOT RIGHT-OF-WAY) AND IN A
26 PUBLIC ROAD KNOWN AS SPRING CREEK ROAD;

27 THENCE, SOUTH 89 DEGREES 47 MINUTES 51 SECONDS WEST, ALONG THE

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1 COMMON SOUTH LINE OF SAID 207.484 ACRE TRACT AND THE NORTH LINE OF
2 SAID 130.028 ACRE TRACT, A DISTANCE OF 1751.93 FEET TO A 1/2" IRON
3 ROD WITH YELLOW PLASTIC CAP STAMPED "RPLS 3688" FOUND FOR THE
4 SOUTHWEST CORNER OF SAID 207.484 ACRE TRACT AND THE SOUTHEAST
5 CORNER OF A 20.992 ACRE TRACT OF LAND CONVEYED BY DEED TO JOHN
6 DANIEL BROWN JR. AND TWALLA Y. BROWN RECORDED IN VOLUME 4292, PAGE
7 423, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;
8 THENCE, NORTH 00 DEGREES 57 MINUTES 18 SECONDS EAST, ALONG THE
9 COMMON WEST LINE OF SAID 207.484 ACRE TRACT AND THE EAST LINE OF
10 SAID 20.992 ACRE TRACT, A DISTANCE OF 880.65 FEET TO A 1/2" IRON ROD
11 WITH FOUND FOR AN INTERIOR ELL CORNER OF SAID 207.484 ACRE TRACT AND
12 THE NORTHEAST CORNER OF SAID 20.992 ACRE TRACT;
13 THENCE, SOUTH 88 DEGREES 18 MINUTES 15 SECONDS WEST, ALONG THE
14 COMMON SOUTH LINE OF SAID 207.484 ACRE TRACT AND THE NORTH LINE OF
15 SAID 20.992 ACRE TRACT AND THE NORTH LINES OF A 9.000 ACRE TRACT OF
16 LAND CONVEYED BY DEED TO JONATHAN L. HACKETT, RECORDED IN VOLUME
17 3909, PAGE 579, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS; A
18 5.334 ACRE TRACT OF LAND CONVEYED BY DEED TO TIMOTHY A GARBACIK AND
19 DEBBIE J. GARBACIK RECORDED IN VOLUME 3570, PAGE 885, OFFICIAL
20 PUBLIC RECORDS, GRAYSON COUNTY, TEXAS; AND A 13.000 ACRE TRACT OF
21 LAND CONVEYED BY DEED TO DOYLE ALAN COULTER, RECORDED IN VOLUME
22 3356, PAGE 501, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS; A
23 DISTANCE OF 2631.70 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST
24 CORNER OF SAID 207.484 ACRE TRACT AND THE NORTHWEST CORNER OF SAID
25 13.000 ACRE TRACT AND BEING ON THE EAST LINE OF A TRACT OF LAND
26 CONVEYED BY WILL TO NANCY L. LINDSAY, RECORDED IN VOLUME 4039, PAGE
27 877, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

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1 THENCE, NORTH 01 DEGREES 06 MINUTES 22 SECONDS EAST, ALONG THE
2 COMMON WEST LINE OF SAID 207.484 ACRE TRACT AND THE EAST LINE OF
3 SAID LINDSAY TRACT, A DISTANCE OF 518.13 FEET TO A 60D NAIL FOUND IN
4 FENCE POST FOR A NORTHWEST CORNER OF SAID 207.484 ACRE TRACT AND
5 BEING THE SOUTHWEST CORNER OF A 78.974 ACRE TRACT OF LAND CONVEYED
6 BY DEED TO TOW W. PINGLETON RECORDED IN VOLUME 4042, PAGE 73,
7 OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS;

8 THENCE, SOUTH 89 DEGREES 59 MINUTES 22 SECONDS EAST, ALONG THE
9 COMMON NORTH LINE OF SAID 78.974 ACRE TRACT, A DISTANCE OF 409.90
10 FEET TO A 1/2" IRON ROD FOUND FOR AND INTERIOR ELL CORNER OF SAID
11 207.484 ACRE TRACT AND THE SOUTHEAST CORNER OF SAID 78.974 ACRE
12 TRACT;

13 THENCE, NORTH 01 DEGREES 11 MINUTES 10 SECONDS EAST, ALONG THE
14 COMMON WEST LINE OF SAID 207.484 TRACT AND THE EAST LINE OF SAID
15 78.974 ACRE TRACT, A DISTANCE OF 1352.83 FEET TO A 1/2" IRON ROD
16 WITH PLASTIC CAP STAMPED "COX4577" FOUND FOR THE NORTHWEST CORNER
17 OF SAID 207.484 ACRE TRACT;

18 THENCE, NORTH 88 DEGREES 22 MINUTES 08 SECONDS EAST, ALONG THE NORTH
19 LINE OF SAID 207.484 ACRE TRACT, A DISTANCE OF 3816.13 FEET TO A
20 5/8" IRON ROD WITH PLASTIC CAP STAMPED "PEISER SUR" FOUND FOR THE
21 NORTHEAST CORNER OF SAID 207.484 ACRE TRACT, SAID POINT BEING ON THE
22 AFORESAID WEST LINE OF F.M. HIGHWAY 902 AND BEING THE BEGINNING OF A
23 NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 16 DEGREES
24 45 MINUTES 31 SECONDS, A RADIUS OF 1860.00 FEET, AND A LONG CHORD
25 THAT BEARS SOUTH 08 DEGREES 38 MINUTES 43 SECONDS EAST, A DISTANCE
26 OF 542.10 FEET;

27 THENCE, ALONG SAID NON-TANGENT CURVE TO THE RIGHT AND THE COMMON

1 EAST LINE OF SAID 207.484 ACRE TRACT AND SAID WEST LINE OF F.M.
2 HIGHWAY 902, AN ARC DISTANCE OF 544.04 FEET TO A 5/8" IRON ROD WITH
3 PLASTIC CAP STAMPED "PEISER SUR" FOUND FOR CORNER;
4 THENCE, SOUTH 00 DEGREES 36 MINUTES 33 SECONDS EAST, CONTINUING
5 ALONG SAID COMMON LINE, A DISTANCE OF 2239.76 FEET TO THE POINT OF
6 BEGINNING AND CONTAINING 207.484 ACRES LAND, MORE OR LESS.

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

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

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

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

25 SECTION 4. (a) Section 8249.106, Special District Local
26 Laws Code, as added by Section 1 of this Act, takes effect only if
27 this Act receives a two-thirds vote of all the members elected to

1 each house.

2 (b) If this Act does not receive a two-thirds vote of all the
3 members elected to each house, Subchapter C, Chapter 8249, Special
4 District Local Laws Code, as added by Section 1 of this Act, is
5 amended by adding Section 8249.106 to read as follows:

6 Sec. 8249.106. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

8 (c) This section is not intended to be an expression of a
9 legislative interpretation of the requirements of Section 17(c),
10 Article I, Texas Constitution.

11 SECTION 5. Except as provided by Section 4 of this Act, this
12 Act takes effect September 1, 2011.