

By: Pitts

H.B. No. 3852

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Midlothian Municipal Management District No. 2; providing authority to impose a tax, levy an assessment, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3911 to read as follows:

CHAPTER 3911. MIDLOTHIAN MUNICIPAL MANAGEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3911.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Midlothian, Texas.

(3) "County" means Ellis County, Texas.

(4) "Development agreement" means the development agreement between the city and ECOM Real Estate Management, Inc., Trustee.

(5) "Director" means a board member.

(6) "District" means the Midlothian Municipal Management District No. 2.

(7) "Improvement project" means a project authorized by Subchapter C-1.

Sec. 3911.002. PRECONDITION; EXPIRATION. (a) In this section, "finance plan" means a finance plan between the city and the district that includes a general description of improvement

1 projects that will be financed by the district, an estimate of the  
2 costs for the improvement projects, an estimate of the amount of the  
3 costs for the improvement projects that the district will pay  
4 directly or that will be reimbursed to the developer, and the means  
5 of financing costs related to the planning, design, construction,  
6 improvement, maintenance, and operation of the improvement  
7 projects.

8 (b) The district may not exercise any powers under this  
9 chapter until the development agreement and finance plan are  
10 executed.

11 (c) This chapter, including Section 3911.062, expires  
12 September 1, 2015, if the development agreement and finance plan  
13 are not executed by that date.

14 Sec. 3911.003. CREATION AND NATURE OF DISTRICT. The  
15 district is a special district created under Section 59, Article  
16 XVI, Texas Constitution.

17 Sec. 3911.004. PURPOSE; LEGISLATIVE FINDINGS. (a) The  
18 creation of the district is essential to accomplish the purposes of  
19 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
20 Texas Constitution, and other public purposes stated in this  
21 chapter. By creating the district and in authorizing the city and  
22 other political subdivisions to contract with the district, the  
23 legislature has established a program to accomplish the public  
24 purposes set out in Section 52-a, Article III, Texas Constitution.

25 (b) The creation of the district is necessary to promote,  
26 develop, encourage, and maintain employment, commerce,  
27 transportation, housing, tourism, recreation, the arts,

1 entertainment, economic development, safety, and the public  
2 welfare in the district.

3 (c) This chapter and the creation of the district may not be  
4 interpreted to relieve the city or county from providing the level  
5 of services provided as of the effective date of the Act enacting  
6 this chapter to the area in the district. The district is created  
7 to supplement and not to supplant city and county services provided  
8 in the district.

9 Sec. 3911.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
10 The district is created to serve a public use and benefit.

11 (b) All land and other property included in the district  
12 will benefit from the improvements and services to be provided by  
13 the district under powers conferred by Sections 52 and 52-a,  
14 Article III, and Section 59, Article XVI, Texas Constitution, and  
15 other powers granted under this chapter.

16 (c) The creation of the district is in the public interest  
17 and is essential to further the public purposes of:

18 (1) developing and diversifying the economy of the  
19 state;

20 (2) eliminating unemployment and underemployment;

21 (3) providing quality residential housing; and

22 (4) developing or expanding transportation and  
23 commerce.

24 (d) The district will:

25 (1) promote the health, safety, and general welfare of  
26 residents, employers, potential employees, employees, visitors,  
27 and consumers in the district, and of the public;

1           (2) provide needed funding for the district to  
2 preserve, maintain, and enhance the economic health and vitality of  
3 the district territory as a residential community and business  
4 center; and

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

9           (e) Pedestrian ways along or across a street, whether at  
10 grade or above or below the surface, and street lighting, street  
11 landscaping, vehicle parking, and street art objects are parts of  
12 and necessary components of a street and are considered to be an  
13 improvement project that includes a street or road improvement.

14           (f) The district will not act as the agent or  
15 instrumentality of any private interest even though the district  
16 will benefit many private interests as well as the public.

17           Sec. 3911.006. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act enacting this chapter.

20           (b) A mistake in the field notes of the district contained  
21 in Section 2 of the Act enacting this chapter or in copying the  
22 field notes in the legislative process does not in any way affect:

23           (1) the district's organization, existence, or  
24 validity;

25           (2) the district's right to contract, including the  
26 right to issue any type of bond or other obligation for a purpose  
27 for which the district is created;

1           (3) the district's right to impose or collect an  
2 assessment, ad valorem taxes, or any other revenue; or

3           (4) the legality or operation of the board.

4           Sec. 3911.007. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

7           (1) a tax increment reinvestment zone created by the  
8 city under Chapter 311, Tax Code;

9           (2) a tax abatement reinvestment zone created by the  
10 city under Chapter 312, Tax Code; or

11           (3) an enterprise zone created by the city under  
12 Chapter 2303, Government Code.

13           (b) If the city creates a tax increment reinvestment zone  
14 described by Subsection (a), the city and the board of directors of  
15 the zone, by contract with the district, may grant money deposited  
16 in the tax increment fund to the district to be used by the district  
17 for the purposes permitted for money granted to a corporation under  
18 Section 380.002(b), Local Government Code, including the right to  
19 pledge the money as security for any bonds issued by the district  
20 for an improvement project.

21           [Sections 3911.008-3911.050 reserved for expansion]

22                   SUBCHAPTER B. BOARD OF DIRECTORS

23           Sec. 3911.051. GOVERNING BODY; TERMS. The district is  
24 governed by a board of five voting directors who serve staggered  
25 terms of four years, with two or three directors' terms expiring May  
26 31 of each even-numbered year.

27           Sec. 3911.052. QUALIFICATIONS. (a) To be qualified to

1 serve as a director appointed by the governing body of the city, a  
2 person must be:

3 (1) a resident of the district who is also a registered  
4 voter of the city;

5 (2) an owner of property in the district; or

6 (3) an agent, employee, or tenant of a person  
7 described by Subdivision (2).

8 (b) Section 49.052, Water Code, does not apply to the  
9 district.

10 Sec. 3911.053. APPOINTMENT OF DIRECTORS. The governing  
11 body of the city shall appoint directors from a list of names  
12 recommended by a majority of the board. The governing body may  
13 request one additional list of names from the board.

14 Sec. 3911.054. EX OFFICIO DIRECTORS. (a) The following  
15 persons serve ex officio as nonvoting directors:

16 (1) the city manager of the city; and

17 (2) the chief financial officer of the city.

18 (b) An ex officio director is entitled to notice of board  
19 meetings and to speak on a matter before the board.

20 Sec. 3911.055. VACANCY. The governing body of the city  
21 shall fill a vacancy on the board for the remainder of the unexpired  
22 term in the same manner as the original appointment.

23 Sec. 3911.056. DIRECTOR'S OATH OR AFFIRMATION. A director  
24 shall file the director's oath or affirmation of office with the  
25 district, and the district shall retain the oath or affirmation in  
26 the district records.

27 Sec. 3911.057. OFFICERS. The board shall elect from among

1 the directors a chair, a vice chair, and a secretary.

2 Sec. 3911.058. COMPENSATION; EXPENSES. (a) The district  
3 may compensate each director in an amount not to exceed \$75 for each  
4 board meeting. The total amount of compensation for each director  
5 in a calendar year may not exceed \$3,000.

6 (b) The governing body of the city, by resolution or  
7 ordinance, may increase:

8 (1) the compensation for each director to an amount  
9 not to exceed \$150 for each board meeting; and

10 (2) the total compensation for each director to an  
11 amount not to exceed \$6,000 in a calendar year.

12 (c) A director is entitled to reimbursement for necessary  
13 and reasonable expenses incurred in carrying out the duties and  
14 responsibilities of the board.

15 Sec. 3911.059. LIABILITY INSURANCE. The district may  
16 obtain and pay for comprehensive general liability insurance  
17 coverage from a commercial insurance company or other source that  
18 protects and insures a director against personal liability and from  
19 all claims relating to:

20 (1) actions taken by the director in the director's  
21 capacity as a member of the board;

22 (2) actions and activities taken by the district; or

23 (3) the actions of others acting on behalf of the  
24 district.

25 Sec. 3911.060. BOARD MEETINGS. The board shall hold  
26 meetings at a place accessible to the public.

27 Sec. 3911.061. CONFLICTS OF INTEREST. Chapter 171, Local

1 Government Code, governs conflicts of interest of directors.

2 Sec. 3911.062. INITIAL DIRECTORS. (a) The governing body  
3 of the city shall appoint the initial directors from a list of names  
4 recommended by the owners of a majority of the assessed value of  
5 property in the district. The governing body may request one  
6 additional list of names from the board.

7 (b) The governing body of the city shall appoint the initial  
8 directors after the effective date of the Act enacting this  
9 chapter.

10 (c) The governing body shall stagger the terms, with two or  
11 three directors' terms expiring May 31, 2012, and the remaining  
12 directors' terms expiring May 31, 2014.

13 (d) Section 3911.052 does not apply to this section.

14 (e) This section expires September 1, 2016.

15 [Sections 3911.063-3911.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 3911.101. IMPROVEMENT PROJECTS. The district may  
18 provide, or it may enter into contracts with a governmental or  
19 private entity to provide, the improvement projects described by  
20 Subchapter C-1 or activities in support of or incidental to those  
21 projects.

22 Sec. 3911.102. WATER DISTRICT POWERS. The district has the  
23 powers provided by the general laws relating to conservation and  
24 reclamation districts created under Section 59, Article XVI, Texas  
25 Constitution, including Chapters 49 and 54, Water Code.

26 Sec. 3911.103. ROAD DISTRICT POWERS; EXCEPTION. (a)  
27 Except as provided by Subsection (b), the district has the powers



1 provided by the general laws relating to road districts and road  
2 utility districts created under Section 52(b), Article III, Texas  
3 Constitution, including Chapter 441, Transportation Code.

4 (b) The district may exercise any power granted by this  
5 chapter and by Chapter 441, Transportation Code, without regard to  
6 any provision or requirement of, or procedure or maintenance tax  
7 rate limitation prescribed by, Chapter 441, Transportation Code.

8 Sec. 3911.104. PUBLIC IMPROVEMENT DISTRICT POWERS. The  
9 district has the powers provided by Subchapter A, Chapter 372,  
10 Local Government Code, to a municipality or county.

11 Sec. 3911.105. MUNICIPAL MANAGEMENT DISTRICT POWERS. The  
12 district has the powers provided by Chapter 375, Local Government  
13 Code.

14 Sec. 3911.106. RULES; ENFORCEMENT. (a) The district may  
15 adopt rules:

16 (1) to administer or operate the district; or  
17 (2) for the use, enjoyment, availability, protection,  
18 security, and maintenance of the district's property and  
19 facilities.

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

21 Sec. 3911.107. NOTICE OF NAME CHANGE. The board shall give  
22 written notice of any name change to the city.

23 Sec. 3911.108. TERMS OF EMPLOYMENT; COMPENSATION. The  
24 board may employ and establish the terms of employment and  
25 compensation of an executive director or general manager and any  
26 other district employees the board considers necessary.

27 Sec. 3911.109. NO EMINENT DOMAIN POWER. The district may

1 not exercise the power of eminent domain.

2 [Sections 3911.110-3911.150 reserved for expansion]

3 SUBCHAPTER C-1. IMPROVEMENT PROJECTS

4 Sec. 3911.151. BOARD DETERMINATION REQUIRED. The district  
5 may not undertake an improvement project or service unless the  
6 board determines the project or service:

7 (1) is necessary to accomplish a public purpose of the  
8 district; and

9 (2) complies with the development agreement or the  
10 parties to the development agreement agree to the project or  
11 service, in writing.

12 Sec. 3911.152. CITY REQUIREMENTS. (a) An improvement  
13 project must comply with any applicable city construction codes and  
14 construction ordinances.

15 (b) The district may not provide, conduct, or authorize any  
16 improvement project on the city streets, highways, rights-of-way,  
17 or easements without the consent of the governing body of the city.

18 Sec. 3911.153. ADDITIONAL CITY POWERS REGARDING  
19 IMPROVEMENT PROJECTS. (a) Unless the district and the city agree  
20 otherwise, the city may:

21 (1) by ordinance, order, or resolution require that  
22 title to all or any portion of an improvement project vest in the  
23 city; or

24 (2) by ordinance, order, or resolution or other  
25 directive authorize the district to own, encumber, maintain, and  
26 operate an improvement project or convey the project to the city at  
27 a later date.

1       (b) The district shall immediately comply with any city  
2 ordinance, order, or resolution adopted under this section.

3       Sec. 3911.154. LAKE. For the purposes of this subchapter,  
4 planning, design, construction, improvement, or maintenance of a  
5 lake includes work done for drainage, reclamation, or recreation.

6       Sec. 3911.155. WATER; EXCEPTION. (a) Except as provided by  
7 Subsection (b), an improvement project may include a supply and  
8 distribution facility or system to provide potable and nonpotable  
9 water to the residents and businesses of the district, including a  
10 wastewater collection facility.

11       (b) The district may not engage in the business of wholesale  
12 or retail sale of potable water or the wholesale or retail  
13 collection and treatment of wastewater.

14       Sec. 3911.156. ROADS. An improvement project may include a  
15 paved, macadamized, or graveled road or street inside and outside  
16 the district, to the full extent authorized by Section 52, Article  
17 III, Texas Constitution.

18       Sec. 3911.157. STORM WATER. An improvement project may  
19 include protection and improvement of the quality of storm water  
20 that flows through the district.

21       Sec. 3911.158. PARKING OR HELIPORT. An improvement project  
22 may include the planning, design, construction, improvement,  
23 maintenance, and operation of an off-street parking facility or  
24 heliport.

25       Sec. 3911.159. EDUCATION AND CULTURE. An improvement  
26 project may include the planning and acquisition of:

27       (1) public art and sculpture and related exhibits and

1 facilities; or

2 (2) an educational facility and a cultural exhibit or  
3 facility.

4 Sec. 3911.160. CONVENTION CENTER. An improvement project  
5 may include the planning, design, construction, acquisition,  
6 lease, rental, improvement, maintenance, installation, and  
7 management of and provision of furnishings for a facility for:

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

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

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

11 (4) an exhibit, display, attraction, special event, or  
12 seasonal or cultural celebration or holiday.

13 Sec. 3911.161. DEMOLITION. An improvement project may  
14 include the removal, razing, demolition, or clearing of land or  
15 improvements in connection with an improvement project.

16 Sec. 3911.162. MITIGATION OF ENVIRONMENTAL EFFECTS. An  
17 improvement project may include the acquisition and improvement of  
18 land or other property for the mitigation of the environmental  
19 effects of an improvement project.

20 Sec. 3911.163. ACQUISITION OF PROPERTY. An improvement  
21 project may include the acquisition of property or an interest in  
22 property in connection with an improvement project, including a  
23 project authorized by Subchapter A, Chapter 372, Local Government  
24 Code.

25 Sec. 3911.164. SPECIAL OR SUPPLEMENTAL SERVICES. An  
26 improvement project may include a special or supplemental service  
27 for the improvement and promotion of the district or an area

1 adjacent to the district or for the protection of public health and  
2 safety in or adjacent to the district, including:

- 3           (1) tourism;  
4           (2) fire protection or emergency medical services; and  
5           (3) educational improvements, enhancements, and  
6 services.

7           Sec. 3911.165. MISCELLANEOUS DESIGN, CONSTRUCTION, AND  
8 MAINTENANCE. An improvement project may include the planning,  
9 design, construction, improvement, and maintenance of:

- 10           (1) highway right-of-way or transit corridor  
11 beautification and improvement;  
12           (2) a hiking and cycling path or trail;  
13           (3) a pedestrian walkway; or  
14           (4) a garden, recreational facility, community  
15 activity center, dock, wharf, sports facility, open space, scenic  
16 area, or related exhibit or preserve.

17           Sec. 3911.166. SIMILAR IMPROVEMENT PROJECTS. An  
18 improvement project may include a public improvement, facility, or  
19 service similar to a project described by this subchapter.

20           [Sections 3911.167-3911.200 reserved for expansion]

21                           SUBCHAPTER C-2. CONTRACTS

22           Sec. 3911.201. GENERAL CONTRACT POWERS. The district may  
23 contract with any person to accomplish any district purpose.

24           Sec. 3911.202. CONTRACT TERMS. A contract the district  
25 enters into to carry out a purpose of this chapter may be on any  
26 terms and for any period the board determines, including an  
27 obligation to issue a negotiable or nonnegotiable note or warrant

1 payable to the city, the county, or any other person.

2 Sec. 3911.203. REIMBURSEMENT OF COSTS. The district may  
3 contract with any person for the payment, repayment, or  
4 reimbursement of costs incurred by that person on behalf of the  
5 district, including all or part of the costs of an improvement  
6 project and interest on the reimbursed cost.

7 Sec. 3911.204. CONTRACT FOR IMPROVEMENT PROJECT. (a) The  
8 district may contract with any person for the use, occupancy,  
9 lease, rental, operation, maintenance, or management of all or part  
10 of a proposed or existing improvement project.

11 (b) The district may apply for and contract with any person  
12 to receive, administer, and perform a duty or obligation of the  
13 district under a federal, state, local, or private gift, grant,  
14 loan, conveyance, transfer, bequest, or other financial assistance  
15 arrangement relating to the investigation, planning, analysis,  
16 study, design, acquisition, construction, improvement, completion,  
17 implementation, or operation by the district or others of a  
18 proposed or existing improvement project.

19 Sec. 3911.205. NO FURTHER CONTRACT AUTHORIZATION REQUIRED.  
20 Except as provided by Section 3911.206, any person, including the  
21 city, may contract with the district to carry out the purposes of  
22 this chapter without further statutory or other authorization.

23 Sec. 3911.206. CITY APPROVAL OF CERTAIN CONTRACTS. A  
24 contract payable from ad valorem taxes for a period longer than one  
25 year must be approved by the governing body of the city.

26 [Sections 3911.207-3911.250 reserved for expansion]

27 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

1       Sec. 3911.251. DEVELOPMENT AGREEMENT REQUIRED TO BORROW  
2 MONEY OR IMPOSE TAXES OR ASSESSMENTS, INCLUDING BONDS. Before the  
3 district may issue bonds, impose taxes or assessments, or borrow  
4 money, the district and the city must negotiate and execute a  
5 development agreement regarding the development plans and rules  
6 for:

- 7           (1) the development and operation of the district; and  
8           (2) the financing of improvement projects.

9       Sec. 3911.252. BORROWING MONEY. The district may borrow  
10 money for a district purpose by issuing or executing bonds, notes,  
11 credit agreements, or other obligations of any kind found by the  
12 board to be necessary or appropriate for a district purpose. The  
13 bond, note, credit agreement, or other obligation must be secured  
14 by and payable from any combination of ad valorem taxes,  
15 assessments, or any other district revenue.

16       Sec. 3911.253. GENERAL POWERS REGARDING PAYMENT OF DISTRICT  
17 BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or  
18 secure the payment or repayment of any bond, note, or other  
19 temporary or permanent obligation or reimbursement or other  
20 contract with any person and the costs and expenses of the  
21 establishment, administration, and operation of the district and  
22 the district's costs or share of the costs or revenue of an  
23 improvement project or district contractual obligation or debt by:

24           (1) the imposition of a tax or an assessment, user fee,  
25 or rental charge;

26           (2) a lease, installment purchase contract, or other  
27 agreement; or

1           (3) any other revenue or resources of the district or  
2 other revenue authorized by the city, including revenue from a tax  
3 increment reinvestment zone created by the city.

4           Sec. 3911.254. ASSESSMENTS. (a) The district may impose an  
5 assessment on property in the district to pay the cost or the cost  
6 of maintenance of any authorized district improvement in the manner  
7 provided for:

8           (1) a district under Subchapters A, E, and F, Chapter  
9 375, Local Government Code; or

10           (2) a municipality or county under Subchapter A,  
11 Chapter 372, Local Government Code.

12           (b) An assessment, a reassessment, or an assessment  
13 resulting from an addition to or correction of the assessment roll  
14 by the district, penalties and interest on an assessment or  
15 reassessment, an expense of collection, and reasonable attorney's  
16 fees incurred by the district:

17           (1) are a first and prior lien against the property  
18 assessed; and

19           (2) are superior to any other lien or claim other than  
20 a lien or claim for county, school district, or municipal ad valorem  
21 taxes.

22           (c) The lien of an assessment against property runs with the  
23 land. The portion of an assessment payment obligation that has not  
24 yet come due is not eliminated by the foreclosure of an ad valorem  
25 tax lien, and any purchaser of property in a foreclosure of an ad  
26 valorem tax lien takes the property subject to the assessment  
27 payment obligations that have not yet come due and to the lien and



1 terms of the lien's payment under the applicable assessment  
2 ordinance or order.

3 (d) The board may make a correction to or deletion from the  
4 assessment roll that does not increase the amount of assessment of  
5 any parcel of land without providing notice and holding a hearing in  
6 the manner required for additional assessments.

7 (e) Section 372.023(e), Local Government Code, does not  
8 apply to the district.

9 Sec. 3911.255. IMPACT FEES; EXEMPTION. (a) The district  
10 may impose an impact fee on property in the district, including an  
11 impact fee on residential or commercial property, only in the  
12 manner provided by Subchapter A, Chapter 372, or Subchapter F,  
13 Chapter 375, Local Government Code, for a municipality, county, or  
14 public improvement district.

15 (b) An impact fee for residential property must be for the  
16 limited purpose of providing capital funding for:

- 17 (1) public water and wastewater facilities;  
18 (2) drainage and storm water facilities; and  
19 (3) streets and alleys.

20 (c) The district may not impose an impact fee on the  
21 property, including equipment and facilities, of a public utility  
22 provider in the district.

23 Sec. 3911.256. NONPOTABLE WATER USER CHARGES; CITY  
24 APPROVAL. The district may establish user charges for the use of  
25 nonpotable water for irrigation purposes, subject to approval of  
26 the governing body of the city.

27 Sec. 3911.257. COSTS FOR IMPROVEMENT PROJECTS. The

1 district may undertake separately or jointly with other persons,  
2 including the city or county, all or part of the cost of an  
3 improvement project, including an improvement project:

4 (1) for improving, enhancing, and supporting public  
5 safety and security, fire protection and emergency medical  
6 services, and law enforcement in and adjacent to the district; or

7 (2) that confers a general benefit on the entire  
8 district or a special benefit on a definable part of the district.

9 Sec. 3911.258. RESIDENTIAL PROPERTY NOT EXEMPT. Section  
10 375.161, Local Government Code, does not apply to the district.

11 [Sections 3911.259-3911.300 reserved for expansion]

12 SUBCHAPTER E. TAXES AND BONDS

13 Sec. 3911.301. PROPERTY TAX AUTHORIZED. The district may  
14 impose an ad valorem tax on all taxable property in the district,  
15 including industrial, commercial, and residential property, to pay  
16 for an improvement project.

17 Sec. 3911.302. MAINTENANCE AND OPERATION TAX; ELECTION.

18 (a) The district may impose a tax for maintenance and operation  
19 purposes, including for:

20 (1) planning, constructing, acquiring, maintaining,  
21 repairing, and operating all improvement projects, including land,  
22 plants, works, facilities, improvements, appliances, and equipment  
23 of the district; and

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

26 (b) The district may not impose a maintenance and operation  
27 tax unless a maximum tax rate is approved by the governing body of

1 the city and a majority of the district voters voting at an election  
2 held for that purpose. The proposition in a maintenance and  
3 operation tax election may be for a specific maximum rate or for an  
4 unlimited rate. If a maximum tax rate is approved, the board may  
5 impose the tax at any rate that does not exceed the approved rate.

6 (c) A maintenance and operation tax election may be held at  
7 the same time and in conjunction with any other district election.  
8 The election may be called by a separate election order or as part  
9 of any other election order.

10 Sec. 3911.303. USE OF SURPLUS MAINTENANCE AND OPERATION  
11 MONEY. If the district has maintenance and operation tax money that  
12 is not needed for the purposes for which it was collected, the money  
13 may be used for any authorized purpose.

14 Sec. 3911.304. TAX ABATEMENT. The district may enter into a  
15 tax abatement agreement regarding the district's ad valorem taxes  
16 in accordance with the general laws of this state authorizing and  
17 applicable to a tax abatement agreement by a municipality.

18 Sec. 3911.305. BONDS AND OTHER OBLIGATIONS; MUNICIPAL  
19 APPROVAL. (a) The district by competitive bid or negotiated sale  
20 may issue bonds, notes, or other obligations payable wholly or  
21 partly from ad valorem taxes or assessments in the manner provided  
22 by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local  
23 Government Code.

24 (b) In exercising the district's borrowing power, the  
25 district may issue a bond or other obligation in the form of a bond,  
26 note, certificate of participation or other instrument to be made  
27 by the district, or any other type of obligation.

1 (c) In addition to the sources of money described by  
2 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local  
3 Government Code, district bonds may be secured and made payable,  
4 wholly or partly, by a pledge of any part of the money the district  
5 receives from system or improvement revenue or from any other  
6 source.

7 Sec. 3911.306. BOND MATURITY. Bonds may mature not more  
8 than 40 years from their date of issue.

9 Sec. 3911.307. TAXES FOR BONDS AND OTHER OBLIGATIONS;  
10 ELECTION. (a) At the time bonds or other obligations payable  
11 wholly or partly from ad valorem taxes are issued:

12 (1) the board shall impose a continuing direct annual  
13 ad valorem tax, without limit as to rate or amount, for each year  
14 that all or part of the bonds are outstanding; and

15 (2) the district annually shall impose an ad valorem  
16 tax on all taxable property in the district in an amount sufficient  
17 to:

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

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

23 (C) pay the expenses of imposing the taxes.

24 (b) Bonds or other obligations that are secured by and  
25 payable from ad valorem taxes may not be issued unless the bonds and  
26 the imposition of the taxes are approved by:

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

1 election held for that purpose; and

2 (2) the governing body of the city.

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

6 Sec. 3911.308. ISSUER POWERS FOR CERTAIN PUBLIC  
7 IMPROVEMENTS. The district may exercise any power of an issuer  
8 under Chapter 1371, Government Code.

9 [Sections 3911.309-3911.350 reserved for expansion]

10 SUBCHAPTER F. DISSOLUTION

11 Sec. 3911.351. DISSOLUTION BY CITY ORDINANCE. (a) The city  
12 by ordinance may dissolve the district.

13 (b) The city may not dissolve the district until the  
14 district's outstanding debt or contractual obligations have been  
15 repaid or discharged, including the defeasance of any outstanding  
16 debt issued by the city.

17 (c) The city may not dissolve the district until the  
18 development agreement under Section 3911.251 has been executed and  
19 the district's performance under the agreement has been fulfilled,  
20 including any right or obligation the district has to reimburse a  
21 developer or owner for the costs of improvement projects.

22 Sec. 3911.352. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

23 (a) If the dissolved district has bonds or other obligations  
24 outstanding secured by and payable from assessments or other  
25 revenue, other than ad valorem taxes, the city shall succeed to the  
26 rights and obligations of the district regarding enforcement and  
27 collection of the assessments or other revenue.

1       (b) The city shall have and exercise all district powers to  
2 enforce and collect the assessments or other revenue to pay:

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

5               (2) special revenue or assessment bonds or other  
6 obligations issued by the city to refund the outstanding bonds or  
7 obligations.

8       Sec. 3911.353. ASSUMPTION OF ASSETS AND LIABILITIES. (a)  
9 After the city dissolves the district, the city assumes the  
10 obligations of the district, including any bonds or other debt  
11 payable from assessments or other district revenue.

12       (b) If the city dissolves the district, the board shall  
13 transfer ownership of all district property to the city.

14       SECTION 2. The Midlothian Municipal Management District No.  
15 2 initially includes all the territory contained in the following  
16 area:

17 LEGAL DESCRIPTION

18 TRACT 1:

19 BEING a tract of land located in the JOHN EARLY SURVEY ABSTRACT NO.  
20 343, JOSEPH H. WITHERSPOON SURVEY, ABSTRACT NO. 1137, ISAAC COOPER  
21 SURVEY, ABSTRACT NO. 226, ELIZABETH RICE SURVEY, ABSTRACT NO. 929,  
22 A.R. NEWTON SURVEY, ABSTRACT NO. 807, WEST WILKINS SURVEY, ABSTRACT  
23 NO. 1162, J. KYSER SURVEY, ABSTRACT NO. 597, Z. HEATH SURVEY,  
24 ABSTRACT NO. 455, PUERTA IRRIGATION COMPANY SURVEY, ABSTRACT NO.  
25 1240, and the JAMES P. NEILL SURVEY, ABSTRACT NO. 1387, Ellis  
26 County, Texas and being a part of those tracts of land described  
27 Tract 3 and Tract 5 in Deed to ECOM Real Estate Management, Inc.,

1 recorded in Volume 1792, Page 136, Deed Records, Ellis County,  
2 Texas and being more particularly described as follows:

3 BEGINNING at a 1 inch iron pipe found in the East line of Walnut  
4 Grove Road, a variable width right-of-way, at the most Westerly  
5 Southwest corner of said Tract 3;

6 THENCE North 00 degrees 36 minutes 12 seconds West, along said East  
7 line of Walnut Grove Road, a distance of 1,675.84 feet to a 1/2 inch  
8 iron rod with a yellow plastic cap stamped "DAA" set for the most  
9 Westerly Northwest corner of said Tract 3, said point being in the  
10 South line of a tract of land described in Deed to Harold L. Curtis,  
11 recorded in Volume 669, Page 548, Deed Records, Ellis County,  
12 Texas;

13 THENCE North 88 degrees 46 minutes 56 seconds East, along the South  
14 line of said Curtis tract and a tract of land described in Deed to  
15 Homer Dudley and wife, Nana Dudley, recorded in Volume 1679, Page  
16 407, Deed Records, Ellis County, Texas and a tract of land described  
17 in Deed to Homer Dudley, recorded in Volume 1201, Page 416, Deed  
18 Records, Ellis County, Texas, a distance of 1,648.23 feet to a 1/2  
19 inch iron rod with a yellow plastic cap stamped "BMI" found for  
20 corner;

21 THENCE North 01 degrees 01 minutes 38 seconds West, a distance of  
22 821.39 feet to a 1/2 inch iron rod with a red plastic cap found at  
23 the Northeast corner of said Dudley tract recorded in Volume 1201,  
24 Page 387 and the Southeast corner of a tract of land described in  
25 Deed to Homer Dudley and wife, Nana Dudley recorded in Volume 1576,  
26 page 387, Deed Records, Ellis County, Texas;

27 THENCE North 01 degrees 04 minutes 29 seconds West, a distance of

1 401.46 feet to a 1/2 inch iron rod found at the Northeast corner of  
2 said Dudley tract recorded in Volume 1576, Page 387 and the most  
3 Southerly Southeast corner of a tract of land described in Deed to  
4 Gwendolyn Larue, recorded in Volume 669, Page 548, Deed Records,  
5 Ellis County, Texas;

6 THENCE North 01 degrees 16 minutes 41 seconds West, along the East  
7 line of said Larue tract, a distance of 71.65 feet to a 1/2 inch iron  
8 rod found at the most Northerly Northwest corner of said Tract 3;

9 THENCE North 88 degrees 00 minutes 34 seconds East, along the South  
10 line of said Larue tract, a distance of 324.01 feet to a 1/2 inch  
11 iron rod found for corner;

12 THENCE South 06 degrees 01 minutes 23 seconds East, a distance of  
13 50.05 feet to a 1/2 inch iron rod found at the most Southerly  
14 Southwest corner of a tract of land described as Tract 2 in Deed to  
15 Richard A. Brouwer, recorded in Volume 2033, Page 377, Deed  
16 Records, Ellis County, Texas;

17 THENCE North 89 degrees 20 minutes 47 seconds East, along the most  
18 Northerly South line of said Brouwer Tract 2, a distance of 910.39  
19 feet to a 1 inch iron pipe found at the Southeast corner of said  
20 Houchin Tract 2 and the Southwest corner of a tract of land  
21 described as Tract 1 in Deed to James Richard Houchin, recorded in  
22 Volume 1931, Page 1469, Deed Records, Ellis County, Texas;

23 THENCE South 89 degrees 50 minutes 14 seconds East, along the South  
24 line of said Brouwer Tract 1, a distance of 235.15 feet to a 1/2 inch  
25 iron rod found at an ell corner of said Houchin Tract 1;

26 THENCE South 01 degrees 27 minutes 53 seconds East, a distance of  
27 425.66 feet to a 1/2 inch iron rod found at the most Southerly



1 Southwest corner of said Brouwer Tract 1;  
2 THENCE North 89 degrees 52 minutes 06 seconds East, along the most  
3 Southerly South line of said Brouwer Tract 1, a distance of 500.00  
4 feet to a point for corner;  
5 THENCE South 00 degrees 52 minutes 06 seconds West, a distance of  
6 1,103.00 feet to a point for corner;  
7 THENCE North 89 degrees 52 minutes 06 seconds East, a distance of  
8 519.21 feet to a point for corner;  
9 THENCE South 00 degrees 07 minutes 54 seconds East, a distance of  
10 643.49 feet to a point for corner;  
11 THENCE North 89 degrees 52 minutes 06 seconds East, a distance of  
12 388.00 feet to a point for corner;  
13 THENCE South 00 degrees 07 minutes 54 seconds East, a distance of  
14 196.94 feet to a point for corner;  
15 THENCE South 89 degrees 12 minutes 10 seconds West, a distance of  
16 288.51 feet to a point for corner;  
17 THENCE South 29 degrees 00 minutes 50 seconds East, a distance of  
18 109.18 feet to a 1 point for corner;  
19 THENCE South 44 degrees 37 minutes 50 seconds East, a distance of  
20 231.94 feet to a point for corner;  
21 THENCE South 24 degrees 04 minutes 50 seconds East, a distance of  
22 133.89 feet to a point for corner;  
23 THENCE South 35 degrees 57 minutes 50 seconds East, a distance of  
24 98.06 feet to a point for corner;  
25 THENCE South 30 degrees 47 minutes 50 seconds East, a distance of  
26 138.89 feet to a 1/2 inch iron rod with a yellow plastic cap stamped  
27 "DAA" set for corner;

1 THENCE Southerly with the approximate centerline of a creek the  
2 following six (6) courses and distances:  
3 South 07 degrees 54 minutes 27 seconds West, a distance of 221.82  
4 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
5 set for corner;  
6 South 05 degrees 16 minutes 01 seconds West, a distance of 180.85  
7 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
8 set for corner;  
9 South 05 degrees 43 minutes 17 seconds East, a distance of 89.54  
10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
11 set for corner;  
12 South 39 degrees 55 minutes 09 seconds East, a distance of 92.89  
13 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
14 set for corner;  
15 South 28 degrees 43 minutes 21 seconds East, a distance of 54.13  
16 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
17 set for corner;  
18 South 00 degrees 47 minutes 28 seconds East, a distance of 126.46  
19 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
20 set at the Northwest corner of a tract of land described in Cause  
21 No. 25281 of the District Court of Ellis County, recorded in Volume  
22 520, Page 609, Deed Records, Ellis County, Texas;  
23 THENCE North 89 degrees 49 minutes 35 seconds East, a distance of  
24 325.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped  
25 "DAA" set at the Northeast corner of said tract described in Cause  
26 No. 25281;  
27 THENCE South 00 degrees 26 minutes 57 seconds East, a distance of

1 523.52 feet to a 1/2 inch iron rod with a yellow plastic cap stamped  
2 "DAA" set at the Southeast corner of said tract described in Cause  
3 No. 25281, said point being in the South line of a tract of land  
4 described in Deed to Alma Ann Seale, recorded in Volume 693, Page  
5 425, Deed Records, Ellis County, Texas;

6 THENCE North 89 degrees 00 minutes 13 seconds East, along the South  
7 line of said Seale tract, a distance of 1,737.72 feet to a wood  
8 fence post found for corner;

9 THENCE South 00 degrees 48 minutes 00 seconds East, along the West  
10 line of said Seale tract and the West line of a tract of land  
11 described in Deed to Alma Ann Seale, recorded in Volume 633, Page  
12 750, Deed Records, Ellis County, Texas, a distance of 3,390.10 feet  
13 to a 1/2 inch iron rod found at the Southwest corner of said Seale  
14 tract recorded in Volume 633, Page 750;

15 THENCE North 89 degrees 32 minutes 26 seconds East, along the South  
16 line of said Seale tract, a distance of 937.08 feet to a 1/2 inch  
17 iron rod found at the Northwest corner of a tract of land described  
18 in Deed as a Save & Except from said Tract 3 to the City Of  
19 Midlothian And City Of Waxahachie;

20 THENCE South 03 degrees 09 minutes 09 seconds West, along the West  
21 line of said Save & Except, a distance of 1,370.83 feet to a 2-1/2  
22 inch aluminum disk found for corner;

23 THENCE South 86 degrees 51 minutes 59 seconds East, along the South  
24 line of said Save & Except, a distance of 799.67 feet to a 2-1/2 inch  
25 aluminum disk found for corner;

26 THENCE South 03 degrees 09 minutes 18 seconds West, along the West  
27 line of said Save & Except, a distance of 706.20 feet to a 2-1/2 inch

1 aluminum disk found at the most Southerly Southwest corner of said  
2 Save & Except tract and the Northeast corner of a tract of land  
3 described in Deed to City Of Midlothian And City Of Waxahachie,  
4 recorded in Volume 828, Page 86, Deed Records, Ellis County, Texas,  
5 said point being in the North line of a tract of land described in  
6 Deed to Alma Ann Seale, recorded in Volume 571, Page 811, Deed  
7 Records, Ellis County, Texas;

8 THENCE South 89 degrees 02 minutes 26 seconds West, along said North  
9 line, a distance of 1,833.21 feet to a 1/2 inch iron rod found for  
10 corner;

11 THENCE North 00 degrees 46 minutes 36 seconds West, along the most  
12 Westerly East line of said Seale tract, a distance of 790.80 feet to  
13 a 1/2 inch iron rod found for corner;

14 THENCE North 26 degrees 47 minutes 39 seconds West, a distance of  
15 332.61 feet to a 1/2 inch iron rod found for corner;

16 THENCE South 89 degrees 26 minutes 15 seconds West, along the North  
17 line of said Seale tract, a distance of 751.98 feet to a 1/2 inch  
18 iron rod with a yellow plastic cap stamped "DAA" set for corner in  
19 the East line of a tract of land described as Tract II in Deed to  
20 Garland Boles, recorded in Volume 996, Page 531, Deed records,  
21 Ellis County, Texas;

22 THENCE North 10 degrees 15 minutes 25 seconds East, along said East  
23 line, a distance of 30.73 feet to a 1/2 inch iron rod with a yellow  
24 plastic cap stamped "DAA" set at the Northeast corner of said Boles  
25 tract;

26 THENCE South 83 degrees 14 minutes 25 seconds West, along the North  
27 line of said Bole tract, passing a 5/8 inch iron rod found at a

1 distance of 8.81 feet, and continuing for a total distance of 279.60  
2 feet to a 1/2 inch iron rod found for corner;  
3 THENCE South 00 degrees 33 minutes 25 seconds West, along the West  
4 line of said Boles tract, a distance of 1,238.49 feet to a 1/2 inch  
5 iron rod found for corner;  
6 THENCE North 88 degrees 29 minutes 08 seconds West, a distance of  
7 88.26 feet to a Texas Department of Transportation aluminum disk  
8 found for corner in the Northeast line of U.S. Highway No. 287, a  
9 variable width right-of-way;  
10 THENCE Northwesterly along said Northeast right-of-way line the  
11 following five (5) courses and distances:  
12 North 48 degrees 39 minutes 02 seconds West, a distance of 692.86  
13 feet to a Texas Department of Transportation aluminum disk found  
14 for corner;  
15 North 44 degrees 56 minutes 29 seconds West, a distance of 2,196.70  
16 feet to a Texas Department of Transportation aluminum disk found  
17 for corner;  
18 North 39 degrees 54 minutes 45 seconds West, a distance of 501.93  
19 feet to a Texas Department of Transportation aluminum disk found  
20 for corner;  
21 North 50 degrees 39 minutes 07 seconds West, a distance of 502.49  
22 feet to a Texas Department of Transportation aluminum disk found  
23 for corner;  
24 North 45 degrees 59 minutes 38 seconds West, a distance of 418.55  
25 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
26 set for corner in the Southeast line of Lot 1, Block A of Walnut  
27 Grove Center North, an Addition to the City of Midlothian according

1 to the Plat thereof recorded in Cabinet F, Slide 185, Plat records,  
2 Ellis County, Texas, said point being North 56 degrees 12 minutes 08  
3 seconds East, 0.39 feet from a found 1/2 inch iron rod with a yellow  
4 plastic cap stamped "BRITTAIN & CRAWFORD";  
5 THENCE North 44 degrees 38 minutes 36 seconds East, along the  
6 Southeast line of said Addition, a distance of 432.10 feet to a 1/2  
7 inch iron rod with a yellow plastic cap stamped "BRITTAIN &  
8 CRAWFORD" found at the most Easterly corner of said Addition;  
9 THENCE North 45 degrees 21 minutes 24 seconds West, a distance of  
10 1,300.00 feet to a 1/2 inch iron rod with a yellow plastic cap  
11 stamped "BRITTAIN & CRAWFORD" found at the most Northerly corner of  
12 said Addition;  
13 THENCE North 00 degrees 05 minutes 21 seconds East, a distance of  
14 907.03 feet to a 1/2 inch iron rod found at the Northeast corner of a  
15 tract of land described as Tract 1 in Deed to Sara Jane Properties,  
16 Ltd., recorded in Volume 1808, Page 242, Deed Records, Ellis  
17 County, Texas and the Southeast corner of a tract of land described  
18 in Deed to Sara Jane Properties, Ltd., recorded in Volume 1808, Page  
19 248, Deed Records, Ellis County, Texas;  
20 THENCE North 00 degrees 07 minutes 42 seconds West, a distance of  
21 1,013.26 feet to a 1/2 inch iron rod with a yellow plastic cap  
22 stamped "RPLS 4480" found at the Southeast corner of Lot 2 of Turner  
23 Homestead Estates, an Addition to the City of Midlothian according  
24 to the Plat thereof recorded in Cabinet E, Slide 194, Plat records,  
25 Ellis County, Texas;  
26 THENCE North 00 degrees 02 minutes 12 seconds West, a distance of  
27 604.57 feet to a 1/2 inch iron rod found at the Northeast corner of

1 Lot 1 of said Addition and the Southeast corner of a tract of land  
2 described in Deed to Stephen M. Guerrero and wife, Melissa M.  
3 Guerrero, recorded in Volume 1657, Page 41, Deed Records, Ellis  
4 County, Texas;

5 THENCE North 01 degrees 40 minutes 57 seconds West, a distance of  
6 164.79 feet to a 1/2 inch iron rod found at the Northeast corner of  
7 said Guerrero tract;

8 THENCE South 88 degrees 59 minutes 29 seconds West, along the North  
9 line of said Guerrero tract, a distance of 1,550.61 feet to the  
10 POINT OF BEGINNING and containing 839.041 acres of land, more or  
11 less.

12 LEGAL DESCRIPTION

13 TRACT 2:

14 BEING a tract of land located in the ROBERT HOSFORD SURVEY, ABSTRACT  
15 NO. 533, J.L. BLANTON SURVEY, ABSTRACT NO. 1284 and the JOURDAN  
16 POWERS SURVEY, ABSTRACT NO. 838, Ellis County, Texas and being all  
17 of a tract of land described as Tract 2 in Deed to ECOM Real Estate  
18 Management, Inc., recorded in Volume 1792, Page 136, Deed Records,  
19 Ellis County, Texas and being more particularly described as  
20 follows:

21 BEGINNING at a point for corner near the approximate centerline of  
22 Walnut Grove Road, a variable width right-of-way, at the most  
23 Westerly Northwest corner of said Tract 2;

24 THENCE North 88 degrees 33 minutes 24 seconds East, passing at a  
25 distance of 20.61 feet a 3/4 inch iron rod found at the Southwest  
26 corner of a tract of land described in Deed to Joseph L. Rodgers and  
27 wife, Merry Nicol Rodgers, recorded in Volume 845, Page 711, Deed

1 Records, Ellis County, Texas, and continuing for a total distance  
2 of 1,971.70 feet to a 1/2 inch iron rod with a yellow plastic cap  
3 stamped "DAA" set for corner;

4 THENCE North 88 degrees 26 minutes 34 seconds East, a distance of  
5 32.90 feet to a 1/2 inch iron rod found at an inner ell corner of  
6 said Tract 2;

7 THENCE North 00 degrees 06 minutes 53 seconds West, a distance of  
8 1,815.01 feet to an axle found at the most Northerly Northwest  
9 corner of said Tract 2 and the Southwest corner of a tract of land  
10 described in Deed to MCDL, Ltd., L.P., recorded in Volume 1979, page  
11 1154, Deed Records, Ellis County, Texas, said point also being the  
12 Southwest corner of Lot 9, Block 1 of HIDDEN MEADOW, an Addition to  
13 the City of Midlothian, Ellis County, Texas according to the Plat  
14 thereof recorded in Cabinet H, Slide 157, Plat Records, Ellis  
15 County, Texas;

16 THENCE North 77 degrees 08 minutes 11 seconds East, along the common  
17 line of said Tract 2, said MCDL tract and said Addition, a distance  
18 of 909.33 feet to a 1/2 inch iron rod found at the Most Northerly  
19 Northeast corner of said Tract 2 and the Northwest corner of a tract  
20 of land described in Deed to Charles Fairbanks, Jr., recorded in  
21 Volume 1979, Page 1127, Deed Records, Ellis County, Texas;

22 THENCE South 07 degrees 01 minutes 08 seconds East, along the common  
23 line of said Tract 2 and said Fairbanks tract, a distance of  
24 1,198.90 feet to a wood fence post found for corner;

25 THENCE North 89 degrees 41 minutes 59 seconds East, continuing  
26 along the common line of said Tract 2 and said Fairbanks tract, a  
27 distance of 475.12 feet to a point for corner in the West line of a



1 tract of land described in Deed to Terry G. Weaver, recorded in  
2 Volume 1878, Page 684, Deed Records, Ellis County, Texas, said  
3 point being near the approximate centerline of a creek;

4 THENCE Southerly with the West line of said Weaver tract and the  
5 approximate centerline of said creek the following three (3)  
6 courses and distances:

7 South 22 degrees 06 minutes 29 seconds West, a distance of 58.05  
8 feet to a point for corner;

9 South 09 degrees 30 minutes 50 seconds East, a distance of 342.74  
10 feet to a point for corner;

11 South 19 degrees 53 minutes 00 seconds East, a distance of 210.41  
12 feet to a point at the Northeast corner of a tract of land described  
13 as Tract 1 in Deed to Richard A. Brouwer and wife, Mary K. Brouwer,  
14 recorded in Volume 2033, Page 377, Deed Records, Ellis County,  
15 Texas;

16 THENCE along the Northerly and Westerly lines of said Brouwer tract  
17 the following eight (8) courses and distances:

18 North 72 degrees 02 minutes 30 seconds West, a distance of 58.66  
19 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
20 set for corner;

21 North 89 degrees 17 minutes 47 seconds West, a distance of 127.79  
22 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
23 set for corner;

24 South 75 degrees 33 minutes 32 seconds West, a distance of 132.00  
25 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
26 set for corner;

27 North 61 degrees 42 minutes 14 seconds West, a distance of 33.00

1 feet to a 1/2 inch iron rod with a yellow plastic cap stamped  
2 "COTTON SURVEYING" found for corner;  
3 South 02 degrees 43 minutes 46 seconds East, a distance of 129.00  
4 feet to a 1/2 inch iron rod found for corner;  
5 South 53 degrees 49 minutes 45 seconds West, a distance of 179.66  
6 feet to a 5/8 inch iron rod found for corner;  
7 South 53 degrees 47 minutes 16 seconds West, a distance of 303.27  
8 feet to a 1/2 inch iron rod found for corner;  
9 South 02 degrees 11 minutes 06 seconds East, a distance of 1,196.11  
10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
11 set for the Southeast corner of said Tract 2 and the most Easterly  
12 Northeast corner of a tract of land described as Tract 2 in Deed to  
13 Richard A. Brouwer and wife, Mary K. Brouwer, recorded in Volume  
14 2033, Page 377, Deed Records, Ellis County, Texas, said point being  
15 North 02 degrees 11 minutes 06 seconds West, 30.00 feet from a 1  
16 inch iron pipe found at the Southwest corner of said Brouwer Tract  
17 1;  
18 THENCE along the common line of said ECOM Real Estate Management  
19 Company Tract 2 and said Brouwer Tract 2 the following three courses  
20 and distances:  
21 South 89 degrees 25 minutes 42 seconds West, a distance of 880.81  
22 feet to a 10 inch wood fence post for corner;  
23 North 03 degrees 02 minutes 05 seconds West, a distance of 335.12  
24 feet to a 1/2 inch iron rod found for corner;  
25 South 89 degrees 09 minutes 22 seconds West, a distance of 2,010.01  
26 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"  
27 set for corner near the approximate centerline of said Walnut Grove

1 Road;

2 THENCE North 01 degrees 34 minutes 39 seconds West, a distance of  
3 1,020.13 feet to the POINT OF BEGINNING and containing 127.324  
4 acres of land, more or less.

5 FIELD NOTE DESCRIPTION

6 TRACT 3:

7 BEING a tract of land situated in the J. H. Witherspoon Survey,  
8 Abstract 1137, the I. Cooper Survey, Abstract No. 226, the Mary T.  
9 Castor Survey, Abstract 236, the James P. Alford Survey, Abstract 7  
10 and the J. H. Witherspoon Survey, Abstract 1136, all of Ellis  
11 County, Texas, said tract being a portion of that tract of land  
12 conveyed to ECOM Real Estate Management, Inc. according to the  
13 document filed of record in Volume 1177, Page 555, Deed Records of  
14 Ellis County, Texas, said tract being more particularly described  
15 as follows:

16 BEGINNING at a point in the North Line of the M.J. Pogue Survey for  
17 the Southwest corner of said C. L. Williams Survey, same being  
18 common with the most Easterly Southeast corner of said M. T. Castor  
19 Survey;

20 THENCE North 2 degrees 26 minutes West, along a fence and the Survey  
21 line, 546.60 feet to a point for corner;

22 THENCE South 50 degrees 01 minutes West, 440.9 feet to a point for  
23 corner;

24 THENCE South 4 degrees 25 minutes East, 152.3 feet to a point for  
25 corner;

26 THENCE South 35 degrees 05 minutes West 126.0 feet to a point in the  
27 North line of the M. J. Pogue Survey;

1 THENCE North 89 degrees 59 minutes West, along a fence and a Survey  
2 line, 392.0 feet to a point for corner;  
3 THENCE South 0 degrees 25 minutes East, along a fence, 886.3 feet to  
4 a point for corner;  
5 THENCE North 89 degrees 52 minutes West, along a fence and the South  
6 line of said Castor Survey, 2412.0 feet to a point for corner being  
7 the Southwest corner of said Castor Survey;  
8 THENCE North 0 degrees 40 minutes West, along a fence and said  
9 Survey line, 1340.58 feet to point on the North side of Plainview  
10 Road;  
11 THENCE South 89 degrees 22 minutes 25 seconds East, 867.34 feet to a  
12 point for corner;  
13 THENCE North 89 degrees 04 minutes 35 seconds East, 346.53 feet to a  
14 point for corner;  
15 THENCE North 89 degrees 50 minutes 13 seconds East, 553.19 feet to a  
16 point for corner at the beginning of a curve to the left having a  
17 radius of 55.57 feet, a central angle of 77 degrees 01 minutes 46  
18 seconds and a chord bearing and distance of North 51 degrees 17  
19 minutes 31 seconds East, 69.21 feet;  
20 With said curve to the left an arc distance of 74.71 feet to a point  
21 for a corner of this tract;  
22 THENCE North 12 degrees 46 minutes 38 seconds East, 416.00 feet to a  
23 point for corner at the beginning of a curve to the left having a  
24 radius of 1066.97 feet, a central angle of 8 degrees 20 minutes 31  
25 seconds and a chord bearing and distance of North 08 degrees 36  
26 minutes 22 seconds East, 155.21 feet;  
27 With said curve to the left an arc distance of 155.35 feet to a point

1 for a corner of this tract;  
2 THENCE North 04 degrees 26 minutes 34 seconds East, 435.87 feet to a  
3 point for corner;  
4 THENCE North 3 degrees 18 minutes East, 208.3 feet to a point for  
5 corner;  
6 THENCE North 19 degrees 16 minutes West, 303.3 feet to a point for  
7 corner;  
8 THENCE North 25 degrees 43 minutes East, 289.3 feet to a point for  
9 corner;  
10 THENCE North 0 degrees 45 minutes West, 687.13 feet to a point for  
11 corner in the South Line of the H. & T.C. Railroad;  
12 THENCE South 56 degrees 37 minutes 50 seconds East, with said South  
13 Line, a distance of 2327.68 feet to a point for a corner at the  
14 beginning of a curve to right having a radius of 15566.77 feet, a  
15 central angle of 01 degrees 32 minutes 51 seconds and a chord  
16 bearing and distance of South 55 degrees 04 minutes 32 seconds East,  
17 420.40 feet;  
18 With said curve to the right an arc distance of 420.42 feet to a  
19 point for a corner at the beginning of a curve to the right having  
20 a radius of 2814.79 feet, a central angle of 19 degrees 59 minutes 08  
21 seconds and a chord bearing and distance of South 41 degrees 26  
22 minutes 36 seconds East, 976.87 feet;  
23 With said curve to the right an arc distance of 981.84 feet to a  
24 point for a corner at the beginning of a curve to the right having a  
25 radius of 22649.48 feet, a central angle of 0 degrees 33 minutes 30  
26 seconds and a chord bearing and distance of South 30 degrees 13  
27 minutes 42 seconds East, 220.70 feet;

1 With said curve to the right an arc distance of 220.71 feet to a  
2 point for a corner;  
3 THENCE South 29 degrees 40 minutes 07 seconds East, 561.82 feet to a  
4 point for corner;  
5 THENCE South 89 degrees 47 minutes West, leaving said Railroad  
6 South Line, a distance of 378.59 feet to a point for corner at the  
7 Northeast corner of the M. J. Pogue Survey;  
8 THENCE North 89 degrees 21 minutes West, with the North Line of said  
9 Pogue Survey, a distance of 72.3 feet to the West line of the above  
10 mentioned Cooper Survey;  
11 THENCE North 89 degrees 21 minutes West, with fence and common line  
12 of said Pogue Survey and the above mentioned Geo. L. Williams  
13 Survey, a distance of 1584.9 feet to the POINT OF BEGINNING,  
14 containing 201.01 acres of land, more or less.

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

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

25 (c) The Texas Commission on Environmental Quality has filed  
26 its recommendations relating to this Act with the governor,  
27 lieutenant governor, and speaker of the house of representatives

1 within the required time.

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

6 SECTION 4. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2011.